

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.109

**CRR No.3367 of 2019 (O&M)
Date of decision: 04-10-2021**

Manjit Singh

..Revisionist-Petitioner

Versus

State of Punjab

..Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Ms. Raina Sabharwal Thakur , Advocate
for the revisionist-petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for the respondent -State.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment and order on sentence as passed by learned Judicial Magistrate 1st Class, Kharar on 03.07.2017, whereby the revisionist-petitioner (for short “the petitioner”) has been held guilty for committing the offences under Sections 279, 304-A and 427 IPC and has been awarded sentence for the same, in the criminal case arisen out of the FIR bearing No.4 dated 12.01.2013 registered at Police Station Sadar Kharar, under the above-mentioned provisions as well as the judgment as rendered by learned Additional Sessions Judge, S.A.S. Nagar, Mohali on 25.11.2019 dismissing the Criminal Appeal preferred by him against the said judgment and order on sentence, the petitioner has preferred the instant revision petition.

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2. Shorn and short of unnecessary details, the allegations, as levelled against the petitioner, are that on 12.01.2013, he caused the accident by driving the bus bearing registration No.PB-11U-6773 and belonging to the Punjab Road Transport Corporation (for short “the PRTC”) in a rash and negligent manner and thereby, colliding the same with the Canter bearing registration No.PB-03E-4823 and this accident resulted in the death of Kulwinder Singh and Janta. After the presentation of the Challan in the Court, the charge was framed against the petitioner to which, he pleaded not guilty. In order to prove its allegations against the petitioner, the prosecution examined as many as 16 witnesses and thereafter, the statement of the petitioner was recorded under Section 313 Cr.P.C. to explain the circumstances appearing against him in the evidence led by the prosecution on the record. In his defence evidence, the petitioner examined two witnesses and then, after hearing the arguments, learned trial Court, vide the impugned judgment and order on sentence dated 03.07.2017, held the petitioner guilty and sentenced him to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- for committing the offence under Section 279 IPC and to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2000/- for committing the offence under Section 304-A IPC and also to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/- for committing the offence under Section 427 IPC and all the sentences were ordered to run concurrently. The Criminal Appeal, as preferred by the petitioner against the above-said judgment and order on

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sentence, has also been dismissed by learned Appellate Court vide the impugned judgment dated 25.11.2019 while modifying the quantum of sentence as awarded to him under Section 304-A IPC, by reducing it to the rigorous imprisonment of one year.

3. I have heard learned counsel for the petitioner as well as learned State counsel in the present revision petition and have also perused the file thoroughly.

4. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case as his name did not find mention in the FIR and she has also urged that the petitioner has already undergone the custody for the considerable part of the total period of imprisonment awarded to him and therefore, his substantive sentence be reduced to the period of imprisonment as already undergone by him.

5. Per contra, learned State counsel has argued that as per the record of the PRTC, i.e. the employer of the petitioner, he (petitioner) was assigned the duty to drive the said offending bus on the day of the accident and the factum of his name having not been mentioned in the FIR, does not adversely affect the case of the prosecution and moreover, the eye-witnesses to the said accident have made categoric depositions regarding the rash and negligent driving of the said offending bus by the petitioner and therefore, the instant revision petition deserves dismissal.

6. Though, the petitioner has not been nominated as an accused in the subject FIR but however, it is worthwhile to mention here that in para No.14 of the impugned judgment handed down by learned Appellate

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Court, it has clearly been observed that from the Duty-Roster, placed on the record as Ex.PW13/A, it transpired that the petitioner was driving the offending vehicle on the fateful day.

7. As regards the prayer of learned counsel for the petitioner qua reducing the sentence, it is pertinent to mention here that learned Appellate Court has already reduced the sentence of imprisonment from two years to one year and keeping in view the fact that two persons lost their life in the accident caused by the petitioner, this Court is not inclined to further reduce the sentence of imprisonment.

8. As a sequel to the fore-going discussion, it follows that the impugned judgments and the order on sentence handed down by both the Courts below do not suffer from any illegality, infirmity, perversity or irregularity so as to warrant any interference by this Court. It being so, the revision petition in hand, being *sans* any merit, stands dismissed.

4th October, 2021
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>