

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

(248)

CRR-126-2020 (O&M)

Date of Decision : January 20, 2022

Parveen

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nonish Kumar, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present revision petition has been filed challenging the order passed by the trial Court dated 05.01.2016 vide which the petitioner has been convicted under Section 304-A IPC as well as the judgment of the lower Appellate Court dated 04.01.2020 by which, though the conviction of the petitioner has been upheld but the sentence awarded has been reduced from simple imprisonment for two years to simple imprisonment for one year.

Learned counsel for the petitioner submits that the petitioner is not challenging the conviction but the quantum of sentence, which has been awarded. Learned counsel for the petitioner further submits that it is not a case where, the petitioner should be sentenced to undergo imprisonment for a period of one year, hence the sentence awarded to the petitioner upon

conviction is not commensurate to the allegations for which the petitioner has been convicted.

Learned counsel for the respondent-State submits that in the present case, on the basis of the evidence, the guilt of the petitioner has been proved and a innocent young life has been lost due to the accident, which has been caused by the petitioner being rash and negligent and the prayer of the petitioner with regard to the quantum of sentence has already been accepted by the lower Appellate Court wherein, the sentence awarded to the petitioner by the trial Court of imprisonment for a period of two years has already been reduced to that of one year, hence, no further interference is called for by this Court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that only point raised before this Court in this petition is with regard to the quantum of sentence awarded to the petitioner as counsel for the petitioner has stated before this Court during the arguments that he is not challenging the conviction, this Court is only required to opine upon the said prayer, which is pressed during arguments.

From the record, it is a conceded position that the petitioner was negligent in driving the vehicle due to which a young innocent life has been lost.

The prayer of the petitioner with regard to the quantum of sentence has already been considered by the lower Appellate Court and has been accepted wherein, the sentence awarded to the petitioner of imprisonment for a period of two years by the trial Court has already been modified to that of imprisonment for a period of one year. The maximum

punishment, which has been prescribed under Section 304-A IPC is upto two years. Nothing has been pointed out as to how, the acceptance of the prayer of the petitioner by the lower Appellate Court reducing the petitioner's sentence for imprisonment from a period of two years to that of undergoing imprisonment for a period of one year is not correct and needs interference by this Court. Once, the petitioner has been held to be rash and negligent and the same has not been challenged and the lower Appellate Court, keeping in view the degree of negligence attributed to the petitioner, has already exercised its jurisdiction in modifying the sentence awarded to the petitioner by the trial Court by reducing the same from imprisonment for two years to one year and no fault has been pointed out by the learned counsel for the petitioner as to how, the modified sentence is not proportionate to the negligence attributed to the petitioner, no relief can be given to the petitioner in the present petition. Keeping in view the finding of rash and negligent driving by the petitioner and resultant loss of innocent young life, sentence imposed upon the petitioner by the lower Appellate Court is perfectly valid and legal.

Keeping in view the above, no ground is made out to interfere with the order passed by the lower Appellate Court.

Dismissed.

As the main revision petition has been dismissed, application i.e. CRM-1476-2020 also stands dismissed.

January 20, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes/No
Whether reportable? : Yes/No