

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

**CRR-657-2007**

**Date of decision : 30.08.2022**

**Hoshiar Singh**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ashit Malik, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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**PANKAJ JAIN, J.**

By way of present revision petition, the petitioner has led challenge to the judgment of conviction and the sentence awarded by ACJM, Kurukshetra dated 30.10.2006 and the judgment dated 10.04.2007 passed by Sessions Judge, Kurukshetra whereby the appeal preferred by the petitioner has been dismissed affirming the order of conviction and sentence passed by the trial Court.

2. The petitioner was convicted for offences punishable under Sections 279 and 304-A of IPC in criminal case No.466 of 1997 and has been awarded sentence as under:-

|                           |                                                                                          |
|---------------------------|------------------------------------------------------------------------------------------|
| Under Section 304-A IPC : | To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/-. |
| Under Section 279 IPC :   | To undergo rigorous imprisonment for a period of three months.                           |

3. As per the facts of the present case, on 23.11.1997, an accident was caused on account of rash and negligent driving of the petitioner, who ran over Maruti van causing death of three persons.

Prosecution led evidence. Petitioner did not lead any evidence in his defence. The Trial Court vide its order dated 30.10.2006, found him guilty of offences punishable under Sections 279 and 304-A of IPC.

4. Aggrieved by the said order, the petitioner preferred an appeal which stands dismissed. The Appellate Court after appreciating the entire evidence, concurred with the findings recorded by the trial Court and affirmed the conviction and the sentence awarded to the petitioner. Aforesaid orders passed by the Courts below are under challenge in the present revision petition.

5. During the course of the hearing, counsel for the petitioner submits that he wishes not to press the petition vis-a-vis finding of the conviction. However, he submits that lenient view be taken. The petitioner has already suffered a protracted trial for last more than 25 years as the incident pertains to the year 1997. He further submits that the petitioner now is about 60 years of age before his sentence was suspended vide order dated 04.07.2007. The petitioner had undergone actual custody of 02 months and 28 days and he is first offender. There is no record of his involvement in any other criminal case of any nature whatsoever. In support of his prayer, counsel for the petitioner relies upon **Jagdish Chander vs. State of Delhi** reported as **AIR 1973 2127** wherein the Apex Court taking in view the mitigating circumstances, reduced the sentence of imprisonment from six months to a period of three weeks of imprisonment already undergone by the accused. He further relies upon **Nand Ballabh Pant vs. State (Union Territory of Delhi)** reported as **AIR 1977 890** wherein the accused, convicted under Section 304-A of IPC, was sentenced to two months RI and the same was reduced by

Supreme Court to one month and the fine was enhanced from Rs.500 to Rs 1,000.

5. He further relies upon **CRR-1931-2010** decided on 23.07.2019 titled as '**Chander Bhan vs. State of Haryana**' wherein considering the factum of law laid down by Apex Court in **State of Punjab vs. Saurabh Bakshi** reported as **2015(2) RCR Criminal 4950**, this Court reduced the sentence to the period actually undergone.

6. I have heard counsel for the parties and have perused the records of the case.

7. No fault can be found with the findings recorded by the Courts below. Counsel for the petitioner has also not pressed the present revision petition on merits. Resultantly, the conviction of the petitioner for offences punishable under Sections 279 and 304-A IPC is upheld.

8. Owing to the fact that the petitioner is a first time offender and has never misused the concession of bail/suspension of sentence, he deserves lenient view. It also needs to be noticed that the petitioner has faced protracted trial for last more than 25 years. He is at advanced stage of his life. However, at the same time, the fact of 3 deaths in the accident also cannot be lost sight of. To balance the equities, the sentence awarded to the petitioner is ordered to be reduced from RI of one year to RI of six months and the fine of Rs.1,000/- imposed is enhanced to Rs.75,000/-. The reduction of the sentence shall be subject to the petitioner depositing the fine as imposed hereinabove with the Court of CJM, Kurukshetra within a period of 04 weeks from the date of receipt of certified copy of this order. CJM, Kurukshetra shall disburse the said fine as compensation to the LRs of the deceased after issuing notice.

9.           Needless to say, in case the fine imposed is not deposited within the prescribed period of 04 weeks from the date of receipt of certified copy of this order, the present revision petition shall be deemed to have been dismissed.
10.           Ordered accordingly.

(PANKAJ JAIN)  
JUDGE

30.08.2022  
Dinesh

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |