

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1425 of 2009

Date of Decision: 10.05.2023

Ranjit Singh @ Pappi

.....Appellants

Vs.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - None for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

DEEPAK GUPTA, J.

In a criminal trial arising out of FIR No.373 dated 15.10.2002 registered at Police Station Samana, accused Ranjit Singh (now petitioner) has been convicted by the Court of learned Sub Divisional Judicial Magistrate, Samana, under Section 304-A IPC vide judgment dated 12.09.2006 and has been sentenced to undergo rigorous imprisonment for a period of 1½ years and to pay a fine of ₹1,500/- for the commission of said offence with default sentence of two months. Appeal against conviction has been dismissed by learned Additional Sessions Judge, Patiala vide judgment dated 11.05.2009. After dismissal of the appeal, the accused was taken into custody.

2. Against the afore-said judgments of conviction recorded by the trial Court and affirmed by the Appellate Court, this revision has been filed.

3. The petition was admitted on 27.05.2009, whereas the remaining sentence was suspended vide order dated 05.11.2009.

4. Although appearance on behalf of the petitioner was being made through his counsel initially but later on nobody appeared for the petitioner when the same was listed for hearing, from 05.11.2019. Even the

intimation to counsel for the petitioner was sent through his e-mail but still there was no response. Thus, the petitioner has not availed the opportunity of hearing provided to him through his counsel.

5. I have considered the submissions of learned State Counsel and have gone through the paper book.

6. Learned State Counsel has also placed on record the custody certificate revealing that the petitioner has actually remained in custody in this case for a period of six months and if the remission period is included, his total sentence is 06 months and 20 days. As per this custody certificate, petitioner is not involved in any other case.

7. After perusing the impugned judgments of conviction, I find no reason to interfere therein, as the conviction has been recorded on proper appreciation of evidence, inasmuch as, deceased Kulwant Singh was about to board the offending bus on 14.10.2002, when the accused- petitioner drove the bus without waiting for the signal from the conductor and without checking that doors of the bus were closed and due to abrupt driving of the bus, Kulwant Singh fell down from the road and was run over by the bus, resulting in his death. The manner of accident is duly proved by the testimony of PW2 Suba Singh, the eye witness of the case.

8. In the aforesaid circumstances, the conviction as recorded by the Courts below, is hereby maintained. However, as far as the impugned order of sentence is concerned, it is noticed by this Court that accident had taken place way back on 14.10.2002, i.e., more than 20 years back. Petitioner has already remained in custody for a period of 06 months. His sentence had been suspended on 05.11.2009 as noted earlier and he was actually released on 07.11.2009 as per the custody certificate. In these circumstances, sending the petitioner behind bars after a long period of more

than 13 years, will not serve interest of justice.

9. Having considered the afore-said facts and circumstances, this Court is of the view that period already undergone by the petitioner in custody is sufficient to meet the ends of justice. As such, the impugned order of sentence passed by the trial Court and as affirmed by the Appellate Court, are hereby modified. The petitioner is sentenced to imprisonment for the period already undergone by him.

Disposed of.

May 10, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No