

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

CRR No.1908 of 2009

Date of decision: 10th February, 2023

Amrit Lal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhcharan S. Gill, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

Petitioner in the instant revision petition has challenged the order dated 03.07.2009 passed by learned Addl. Sessions Judge, Patiala whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 08.12.2006 passed by learned Sub Divisional Judicial Magistrate, Samana, was dismissed.

Vide judgment dated 08.12.2006, learned Sub Divisional Judicial Magistrate, Samana, convicted and sentenced the petitioner to undergo rigorous imprisonment for two years and to pay a fine of ₹2,000/-, in default of payment of fine to further undergo rigorous imprisonment for two months under Section 304-A IPC.

The case as set up by the prosecution may be noticed as thus:

The FIR in question was registered at the instance of Satnam Singh, who stated that on 02.07.2002 at about 6.30 p.m. he

along with his nephew Karanpal Singh alias Kanu, after taking bath at the tubewell, was on way back home when the appellant, while driving Tata-709 Tempo in a rash and negligent manner, hit his nephew who fell down and suffered serious injuries. Later, his nephew succumbed the injuries in the hospital.

Learned counsel for the petitioner has fairly submitted that in view of the concurrent findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 2002 and the petitioner has thus, suffered the agony of protracted criminal proceedings for the last about 21 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A prayer has, therefore been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioner behind bars. The custody certificate, which has been filed by the State counsel today in Court, does not reflect the involvement of the petitioner in any other criminal case.

Learned State counsel has vehemently opposed the submissions and prayer made by the counsel opposite.

Heard learned counsel for the parties and perused the relevant material available on record.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments. However, in view of the fact that the accident in question pertains to the year 2001 and ever since then, the petitioner has been maintaining good conduct and has not been involved in any criminal offence, this Court does not deem it appropriate to send the petitioner behind bars at this juncture of life, more so when he has been now fastened with many liabilities. Ends of justice would be thus met, if while maintaining the conviction of the petitioner his substantive sentence of 2 years is reduced to the period of sentence already undergone by him in the present case.

However, fine imposed on the petitioner is enhanced from ₹ 2000/- to ₹ 12,000/- under Section 304A IPC. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioner and he will be required to undergo the remaining part of the sentence awarded to him. On deposit of fine, the enhanced amount of fine shall be disbursed to the LRs of the deceased on proper identification.

With these modifications, the instant revision petition is disposed of.

(MANJARI NEHRU KAUL)
JUDGE

February 10, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No