

(237) **IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRR-1134-2019

Date of Decision: 07.12.2023

Ranjit Singh

...Petitioner...

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- None for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA, J.

1. Challenge in the present revision petition is to the judgment dated 26.04.2018 passed by the court of Additional Sessions Judge, Gurdaspur, whereby the appeal filed against the judgment of conviction and order of sentence dated 16.02.2018 passed by the court of Judicial Magistrate Ist Class, Gurdaspur, was dismissed, thereby upholding the judgment of conviction recorded under Section 304-IPC, though acquitted the petitioner for the offence punishable under Section 427 IPC.

2. Facts of the case are that the petitioner was arrayed as an accused in FIR No.235 dated 18.08.2013, registered under Sections 304-A, 279 and 427 IPC, at Police Station Dinanagar, Gurdaspur, on the allegations that due to rash and negligent driving of accused-petitioner, one Mandeep Kumar @ Monu, aged 21 years, who was the grand-son of the complainant, succumbed to the injuries at the spot. On the basis of the evidence recorded, learned Trial Court vide judgment/order dated 16.02.2018, convicted and

sentenced the petitioner as under:-

<i>Sr. No.</i>	<i>Under Sections</i>	<i>Sentence</i>	<i>In default of fine</i>
1	304-A	RI for two years and fine of Rs.500	To further undergo imprisonment for 01 month
2.	427 IPC	RI for six months and fine of Rs.500	To further undergo imprisonment for 15 days

3. Aggrieved thereof, the petitioner filed first appeal before the court of Additional and Sessions Judge, Gurdaspur, which was dismissed vide judgment dated 26.04.2018, thereby upholding the judgment of conviction recorded under Section 304-A IPC, though acquitted the petitioner for the offence punishable under Section 427 IPC, besides refund of fine deposited by him.

4. No one appeared on behalf of the petitioner for the last 04 dates. The position remains the same even as on today.

5. On the other hand, learned State counsel has strongly supported the judgments passed by the courts below while submitting that the same are absolutely in accordance with the legal proposition of law applicable to the facts and circumstances of the case in hand.

6. I have heard learned counsel for State and gone through the paper book.

7. Before proceeding further to decide the instant revision on merit, it would be desirable to highlight that the scope and extent of revisional jurisdiction of the High Court in dealing with order passed by the trial court and upheld by appellate court is limited and revisional jurisdiction needs to be exercised in exceptional cases where there was some glaring defect in the procedure or a manifest error on a point of law and

consequently, a flagrant miscarriage of justice.

8. Adverting to the facts of the case in hand, the points raised in the petition challenging conviction and sentence of petitioner have already been dealt with by Id. Judicial Magistrate, which have also been upheld by Id. Appellate Court, though, acquitting the petitioner for the offence under Section 427 IPC. Moreover, Bikramjit Singh (PW-10) specifically stated that he had purchased the offending truck from Balwant Singh and kept Ranjit Singh-petitioner as a driver and on the date of incident i.e. 18.08.2013, the said truck was driven by him. Hence, it is duly proved on record that on the date of incident, the truck was driven by petitioner.

9. On perusal of judgments passed by both the courts below, I am of the considered view that the evidence on the record has been rightly appreciated while holding the petitioner guilty of the charge framed against him. There is no infirmity or illegality in the findings recorded by the Courts below. Therefore, the conviction of the petitioner is, thus, affirmed.

10. As far as the reduction of quantum of sentence, to the period already undergone, this Court find supports from the judgments passed by this Court in *CRA-S-660-SB-2005*, titled as “*Lakhwinder Kumar vs. State of Punjab*” decided on 03.03.2023, “*Mohinder Singh vs. State of Punjab*”, *2018(2) Law Herald 1678* and “*Rajinder Singh vs. State of Punjab*”, *2019(4) RCR (Criminal) 711*. Paras No.9 to 11 of *Lakhwinder Kumar's* case (supra) being relevant, are reproduced hereunder:-

“9. On the issue of reformatory theory in context to any wrong doer, His Lordship V.R. Krishna Iyer, J., of Hon'ble Apex Court, in case titled as “*Mohammad Giasuddin v. State of Andhra Pradesh, (1977) 3 SCC 287*, has observed as under:-

“5. If every saint has a past, every sinner has a future, and it is the role of law to remind both of this. The

Indian legal genius of old has made a healthy contribution to the word treasury of criminology. The drawback of out criminal process is that often they are built on the bricks of impressionist opinions and dated values. Ignoring empirical studies and deeper researches.”

(emphasis added)

10. In case titled as “**Satish @ Sabbe v. State of Uttar Pradesh (Special Leave Petition (Crl.) No.7369 of 2019, decided on 30.09.2020)**, His Lordship Surya Kant, J., says as:

“Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free-roaming criminal creating havoc in the lives of ordinary peace loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first time offenders ought to be liberally accorded a chance to repent their past and look-forward to a bright future.”

(emphasis added)

11. This Court also can not ignore the observation made by their Lordships' of Hon'ble Apex Court in the case of **Commissioner of Police and others vs. Sandeep Kumar, (2011) 4 SCC 644:-**

“9..... The modern approach should be to reform a person instead of branding him as a criminal all his life.”

11. Considering the facts of the present case, wherein the petitioner has already undergone actual sentence for a period of 01 year, 08 months and 23 days, besides he being young man aged about 33 years (on the date of filing of present petition), not involved in any other case since the date of registration of present FIR, i.e. for the past more than 10 years as well as keeping in mind the law laid down in the aforementioned judgments, the sentence awarded to the petitioner is ordered to be reduced to the period already undergone by him. Except with the modification in quantum of sentence, as indicated herein above, the present petition is dismissed.

07.12.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No