

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

**CRR No. 1262 of 2017
Date of decision: 21st July, 2023**

Pardeep

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sukhbir Kaur, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This criminal revision petition is filed being aggrieved of conviction under Sections 279, and 304-A of the Indian Penal Code, 1860 [for short 'IPC'] vide judgment dated 22.10.2014, quantum of sentence and upholding of conviction in appeal.

2. The relevant facts are that on 22.8.2010, the complainant along with his grand children was going towards Moonak Railway Bridge and when they reached on the road in between two canals, car bearing registration No. HR-05G-0353 [hereinafter referred to as 'offending vehicle'] driven in a rash and negligent manner hit his grand daughter Manvi. She was taken to the hospital where she was declared 'brought dead'.

3. The prosecution proved its case by examining nine prosecution witnesses which included the complainant Virender (PW3) and Investigating Officer ASI Ram Kishan (PW6). The petitioner was

convicted under Sections 279 and 304A IPC and was sentenced to undergo rigorous imprisonment as under:-

Under Section	Imprisonment RI	Payment of fine in Rs.	In default of fine (SI)
304-A IPC	Six months	--	--
279 IPC	One month	--	--

4. The appeal filed against the conviction was dismissed.
5. At the very outset, learned counsel for the petitioner confines his prayer for reducing the quantum of sentence.
6. Learned counsel for the State opposes the prayer made by learned counsel for the petitioner. He submits that a human life was lost due to rash and negligent driving of the petitioner. Submission is that learned trial Court appreciated the evidence and after analysing the facts on record, convicted the petitioner and no interference is called for.
7. Heard learned counsel for the parties and perused the record.
8. There is no ground made out in the revision petition for interference in the impugned judgment of conviction and the appellate order. The conviction of the petitioner is upheld.
9. The contention of learned counsel for the petitioner regarding quantum of sentence deserves acceptance. As per the custody certificate the petitioner has undergone total sentence of two months and twenty nine days.
10. It would be appropriate to note at this stage that FIR was registered on 22.8.2010, the petitioner has faced agony of trial for almost four years. Considering that petitioner is first time offender and has faced agony of trial for a considerable long period, to meet the ends of justice the

criminal revision petition is partly allowed.

11. The conviction of the petitioner is upheld, his sentence is reduced to the period already undergone by him. The petitioner is directed to be released, if not required in any other case.

[AVNEESH JHINGAN]
JUDGE

21st July, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |