

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

CRR No. 3486 of 2019

Date of decision: 21st July, 2023

Rajpal Singh @ Raja

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. K. S. Phoolka, Advocate for the petitioner.
Ms. Navreet Kaur Barnala, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This criminal revision petition is filed aggrieved of conviction under Sections 279, and 304A of the Indian Penal Code, 1860 [for short 'IPC'], quantum of sentence and it being upheld in appeal.
2. The relevant facts are that on 23.10.2012, the complainant along with father-in-law of his sister, Gurcharan Singh were going towards Bus Stand Bathinda on different scooters. Near Civil Hospital, a truck bearing registration No. PB-03-2392 [hereinafter referred to as 'offending vehicle'] driven in a rash and negligent manner hit the scooter of Gurcharan Singh, he was crushed under the back tyres of the truck and died on the spot.
3. The prosecution proved its case by examining seven prosecution witnesses which included the complainant Harjinder Singh (PW1), Dr. S. S. Romana (PW2) and Investigating Officer ASI Amrik Singh (PW4). The prosecution was able to prove the accident and rash and negligent driving of the offending vehicle. The petitioner was convicted vide judgment dated 8.6.2017 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	Two years	2,000/-	Thirty days
279 IPC	Six months	--	

4. The appeal filed against the conviction was dismissed on 21.11.2019.
5. At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence and prays that the sentence be reduced to the period already undergone.
6. Learned counsel for the State opposes the prayer made by learned counsel for the petitioner. She 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, convicted the petitioner and no interference is called for.
7. Heard learned counsel for the parties and perused the pleadings.
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 one year, four months and thirty days including remission.
10. The Supreme Court in State of Punjab vs. Saurabh Bakshi, 2015 (2) RCR (Criminal) 495, while setting aside the order of the High Court whereby the sentence of one year was reduced to twenty four days, awarded sentence of six months to the accused.
11. It would be appropriate to note at this stage that FIR was registered on 23.10.2012, the petitioner has faced agony of trial for almost five years. Considering the law laid down by the Supreme Court and the facts that petitioner is first time offender, he is only bread earner of the family and has faced agony of trial for a considerable long period, to meet the ends of justice, the criminal revision petition is partly allowed.

12. The conviction of the petitioner is upheld, his sentence is reduced to the period already undergone by him subject to payment of fine as imposed by the trial Court. The petitioner is directed to be released, if not required in any other case, subject to payment of fine.

[AVNEESH JHINGAN]
JUDGE

21st July, 2023
mk

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No