



111

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

CRR No.404 of 2024 (O&M)

Date of Decision: 23.07.2024

Hardeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Present revision petition has been filed by the petitioner wherein he has challenged the order passed by the learned Additional Sessions Judge, Amritsar dated 02.12.2023 dismissing his appeal preferred by the petitioner against the conviction and order of sentence dated 13.10.2018 passed by the learned Judicial Magistrate First Class, Ajnala whereby the petitioner was convicted for the offence under Sections 304-A and 279 of IPC and sentenced for two years rigorous imprisonment with a fine of Rs.2000/- and rigorous imprisonment for a period of six months along with fine of Rs.1000/- respectively.
2. Adumbrated facts of the case are that MHC Police Station Ajnala received a telephonic message on 17.06.2012 with regard to the



motor vehicle accident and hence SI Mukhwinder Singh reached the Civil Hospital, Ajnala. After receiving the fitness certificate from the concerned Doctor, he recorded the statement of Darshan Singh, son of Harnam Singh. It was stated by Darshan Singh that he had three sons and three daughters. His daughter, namely, Jogindro was married at village Ballarwal. As his grand daughter had undergone operation, he went there to enquire about her health. His wife Jeeto also accompanying him. Both husband and wife while going on the motor cycle, at about 4.30 p.m., when reached near the canal bridge of village Sarangdev, a tractor trolley being driven rashly and negligently came from the back side. The tractor trolley without blowing any horn, struck the motor cycle from back side. Due to the impact, he fell down, and his wife was crushed under the tyre of the tractor and died on the spot. Father-in-law of his daughter, namely, Munsha Singh came to the spot, who got him admitted in the Civil Hospital, Ajnala. The driver of the tractor, who fled from the spot, was already known to him and his name was Hardeep Singh. It was prayed that the accident had occurred due to the rash and negligent driving by the driver of the tractor and thus, legal action be taken against him. On the basis of the statement recorded by Darshan Singh, the FIR was registered and investigation commenced. The statements of three witnesses were recorded and the post-mortem of the dead body was conducted. On completion of the investigation, the challan was presented and the learned trial Court commenced with the trial. The prosecution examined total 08 witnesses. On the conclusion of the trial, the learned



Judicial Magistrate First Class, Ajnala convicted the petitioner for the offence under Sections 304-A and Section 279 of IPC and sentenced him for a period of two years rigorous imprisonment with a fine of Rs.2000/- and rigorous imprisonment for a period of six months and fine of Rs.1000/- respectively vide his order dated 13.10.2018. Being aggrieved the petitioner assailed the same by way of filing an appeal before the learned Additional Sessions Judge, Amritsar. The Appellate Court heard both the sides and re-appreciated the evidences. However finding no merit in the same, the appeal was dismissed by the Appellate Court vide order dated 02.12.2023 and thus, the conviction and sentence order passed by the learned Judicial Magistrate First Class was upheld. Hence being aggrieved, the petitioner is before this Court by way of filing the present revision petition.

3. Learned counsel for the petitioner at the outset has submitted before this Court that the occurrence in the present case has taken place on 17.06.2012 and thus, the petitioner is facing the rigours of the trial from the last about 12 years. He has fairly submitted that both the Courts have found the charges framed against the petitioner to have been proved. He has submitted that the petitioner is a poor person and the offence committed is totally unintentional. He has thus submitted that he does not assail the conviction awarded to the petitioner by the learned trial Court, which has been upheld by the learned Appellate Court as well. However he has submitted that in the over all facts and circumstances, the petitioner has undergone the total sentence of about 08 months out of the



total awarded sentence of 02 years and thus, his appeal be disposed of by reducing the sentence to that of already undergone by him.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner. He has placed on record the custody certificate of the petitioner, which would show that the petitioner has already undergone the actual sentence of 7 months and 20 days. However including the remission, he has undergone a period of 08 months and 14 days as on 22.07.2024.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. Admittedly the occurrence had taken place on 17.06.2012. The petitioner is facing the rigorous of the trial since then. The trial Court had convicted & sentenced the petitioner for the offence under Sections 304-A and 279 of IPC and the same was upheld by the learned Appellate Court as well by dismissing the appeal filed by the petitioner.

8. This Court has considered the submission made by learned counsel for the petitioner before this Court that he does not assail the conviction awarded to the petitioner, however taking into consideration the mitigating circumstances, the present revision petition be disposed of by ordering the sentence already undergone by him.

9. Thus this Court finds that in view of the mitigating circumstances, where the petitioner has undergone the rigours of the



trial from the last about 12 years and especially when the conviction is not assailed, the revision petition deserves to be disposed of by reducing the sentence to that of already undergone by the petitioner. The custody certificate produced by the learned State Counsel today on the record would show that the petitioner has undergone an actual sentence of 07 months and 20 days whereas including the remissions, he has undergone the sentence of 08 months and 14 days.

10. Thus considering the mitigating circumstances, the present revision petition is disposed of by upholding the conviction awarded by the Courts below and reducing the sentence to that of already undergone.

23.07.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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