



CRR-1275-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: October 22nd, 2024

Rajinder Kumar
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Johan Kumar, Advocate for
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Mr. Johan Kumar, Advocate, has entered appearance on behalf of the petitioner and filed his power of attorney after obtaining NOC from the previous counsel.

2. Petitioner has impugned the judgment of conviction and order of sentence dated 13.06.2018 passed by learned Judicial Magistrate 1st Class, Hoshiarpur, whereby he has been sentenced to undergo imprisonment as under:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
279 IPC	RI for 06 months	-	-
337 IPC	RI for 06 months	-	-
304-A IPC	RI for 02 years	₹10,000/-	One month

3. All the sentences were ordered to be run concurrently.



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4. Appeal against which preferred by the petitioner was upheld by learned Additional Sessions Judge, Hoshiarpur, vide judgment dated 06.06.2024.

5. Notice of motion.

6. On the asking of the Court, Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

7. Learned counsel for the petitioner, at the outset, submits that in view of the 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, *inter alia*, submits that the occurrence in question pertains to the year 2015 and the petitioner has suffered the agony of trial for the last eight years. Still further, during the preceding nine years, the petitioner had not been involved in any other criminal case and has been leading the life of a disciplined and peace loving citizen. Furthermore, in the preceding last so many years, the petitioner has been fastened with many responsibilities. Learned counsel has thus, made a vehement prayer that a lenient view be taken in the matter of sentence imposed upon the petitioner and his sentence be reduced to the period already undergone by him as no useful purpose would be served by sending the petitioner behind bars.

8. Learned State counsel while opposing the prayer made by counsel opposite submits that due to the accident in question, one person lost his life, hence, the petitioner did not deserve any leniency.



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A prayer therefore, has been made for dismissal of the petition.

9. I have heard learned counsel for the parties and perused the impugned judgments passed by the Courts below.

10. This Court does not find any illegality much less perversity in the concurrent findings recorded by both the Courts below.

11. Coming to the prayer of the learned counsel for the petitioner with respect to quantum of sentence, it would be apposite to point out here that the incident in question occurred in the year 2015 and ever since then the petitioner has faced long and protracted criminal proceedings for more than eight years. It has not been disputed by the State counsel that after the occurrence in question, the petitioner had not been involved in any other criminal case and as conceded by the State counsel, he has not misused the concession of bail granted to him during all these preceding years.

12. As per the custody certificate on record, the petitioner is not shown to be involved in any other criminal case.

13. In the above facts and circumstances, this Court does not deem it appropriate to send the petitioner behind bars at this juncture when admittedly he has been fastened with many responsibilities in the preceding few years. It cannot be overlooked that the ultimate goal of punishment in a modern civilized society is to attempt reformation of the offender. It may not always be necessary in each and every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs.

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14. Hon'ble Supreme Court in '*Ved Prakash vs. State of Haryana*', 1981(1) SCC 447 has also observed that "*it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant.*"

15. Further, Hon'ble Supreme Court in *Manjappa vs. State of Karnataka*, 2007(3) RCR (Crl.) 216 while considering the scope of Section 361 Cr.PC and the provisions of Probation of Offenders Act held that such a relief should be granted where the offence was not of very grave nature and in some cases where *mens rea* was absent as in cases of rash and negligent driving under Section 279 r/w Section 304-A IPC.

16. Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner, his substantive sentence of one year is reduced to the period already undergone by him in the present case.

17. Ordered accordingly.

18. However, fine imposed on the petitioner is enhanced from ₹10,000/- to ₹35000/- under Section 304-A of the 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



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deceased, against proper identification.

19. With the aforesaid modifications, the instant revision petition is disposed of.

October 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No