



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRR-1890-2024 (O&M)
Date of decision: November 22nd, 2024

Vicky
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Learned counsel for the petitioner has impugned the judgment of conviction and order of sentence dated 29.08.2023 passed by learned Sub Divisional Judicial Magistrate, Patti, which was later upheld by learned Additional Sessions Judge, Tarn Taran, vide judgment dated 24.07.2024.

2. The case of the prosecution may be noticed as thus:
3. An FIR was lodged at the instance of the complainant, who alleged that on 26.08.2016 at approximately 3:00 PM, he was travelling on his motorcycle, bearing registration number PB 46Q 7722 from Tarn Taran to his Village Nahtu Chak. Following him on another motorcycle, Discover, bearing registration number PB 46 R 5267, were his brother Gurlal Singh, and a friend, Ravi Karan Singh, son of Paramjeet Singh. They were returning after attending IELTS classes.
4. As they approached Lohak, a white Innova car bearing registration number PB 30K 9546, travelling at an excessively high

speed, collided with the motorcycle ridden by Gurlal Singh. The impact of the collision caused severe injuries to both, Gurlal Singh and Ravi Karan Singh, particularly to their heads and legs. The tyre of the Innova vehicle burst due to the high speed at which it was being driven. Both injured individual persons were rushed to Civil Hospital, Tarn Taran, where Gurlal Singh was declared dead. The accident, as alleged by the complainant, was a result of the rash and negligent driving of the accused-petitioner Vicky.

5. Learned counsel for the petitioner at the outset does not contest the findings of guilt recorded by both the Courts below. Instead, he has restricted his submissions to the quantum of the sentence only. It has been argued by the learned counsel that the petitioner has already undergone 3 months and 28 days of the substantive sentence of two years imposed upon him. Furthermore, the accident in question dates back to the year 2016 and the petitioner has already endured the ordeal of protracted criminal proceedings, culminating in his conviction on 29.08.2023. It has been further highlighted by the learned counsel for the petitioner that the petitioner has since maintained a discipline and law-abiding life, shouldering numerous responsibilities. It has also been submitted that the petitioner has no previous criminal antecedents, and sending him back to serve the remaining part of his sentence would serve no constructive purpose. A prayer has, therefore, been made for this Court to adopt a lenient approach in the light of the above circumstances.

6. In support of his arguments, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court in ***Sagar Loliengar Versus State of Goa 2012 (1) SCC 161***, wherein

Hon’ble the Supreme Court had reduced the sentence of a convict under Section 304A of the IPC to the period already undergone, recognizing the mitigating circumstances of the case.

7. Learned State counsel however, has opposed the plea for leniency, emphasizing that the concurrent findings of guilt recorded by the trial Court and the Appellate Court have remained unchallenged. However, learned State counsel has acknowledged that since the accident in question, the petitioner has maintained good conduct and has not been involved in any other criminal activity. The custody certificate placed on record by the learned State counsel also corroborates this assertion.

8. I have heard learned counsel for the parties.

9. This Court has carefully considered the submissions made by both the parties and examined the material on record. The petitioner was convicted and sentenced as follows:

Offence(s) u/s	Period of sentence(s)	Fine imposed	Period of sentence in default of payment of fine
279 IPC	R.I. for 6 months	₹500/-	S.I. for 15 days
304-A IPC	R.I. for 2 years	₹2,000/-	S.I. for one month

10. The accident in question resulted in the loss of one life and had taken place almost eight years back. Since then, the petitioner, as not disputed by the learned State counsel also, has led a disciplined and law-abiding life, devoid of any further involvement in any other criminal activities. It is but obvious that the prolonged ordeal of the petitioner during the trial would have had a substantial impact on his personal and professional life.

11. Hon’ble the Supreme Court in *Sagar Lolienkar’s case* (*supra*) has categorically held that sentences in cases under Section

304A of the IPC could be reduced to the period already undergone if the circumstances do not demonstrate aggravated negligence, such as drunken driving. In the present case, there were no allegations of drunken driving or any other aggravating factors.

12. In light of the above, this Court deems it just and appropriate to uphold the conviction of the petitioner under Section 304A of the IPC, however, it does not deem it necessary to send him back to custody. Consequently, the substantive sentence of the petitioner is reduced to the period already undergone.

13. However, to balance the scales of justice, the fine imposed under Section 304A of the IPC from ₹2,000/- is enhanced to ₹35,000/-. It is directed that the petitioner deposit enhanced fine amount within three months before the trial/successor Court.

14. In case of non-payment of the enhanced fine within the stipulated period, the benefit of sentence reduction would not accrue to the petitioner, and he would be required to undergo the remainder of the original sentence.

15. With these modifications, the instant petition stands disposed of.

November 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No