



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

CRR No.273 of 2025 (O&M)
Date of decision: 31st January, 2025

Vijaypal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh K. Dhankhar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The present revision petition arises from a conviction recorded under Sections 304-A, 338, 337, 279 of the IPC. The case of the prosecution, as set up in the FIR, is that on 19.09.2007, the complainant, Suresh Kumar, along with the deceased and some others, was returning from Sarvodya Hospital Hisar after visiting a relative. When they reached near village Badwa, truck bearing registration No.RJ-10G-1448, being driven in a rash and negligent manner, came from the opposite direction and collided with their jeep, resulting in the injuries to the occupants. The driver of the jeep, Prem, sustained grievous injuries and was taken immediately to Sapra Hospital, Hisar, where he was declared "brought dead".

2. At the outset, learned counsel for the petitioner has fairly conceded that in the light of concurrent findings of fact recorded by

both the courts below, he does not seek to press the present petition on merits. Instead, he has confined his prayer to the quantum of sentence.

3. It is urged that the accident in question dates back to the year 2007, and the petitioner has already undergone 3 months and 3 days of imprisonment out of substantive sentence of 18 months. Moreover, it has been urged that the petitioner has faced the ordeal of protracted criminal proceedings spanning over several years. It is submitted that the petitioner has been leading a disciplined and law-abiding life and has no criminal antecedents. In these circumstances, learned counsel prays for a lenient view and contends that no useful purpose would be served by subjecting the petitioner to further incarceration.

4. Reliance has been placed on the judgment of the Hon'ble Supreme Court in '**Sagar Lolienkar vs. The State of Goa**' (2022)1 SCC 161, wherein the Court, while dealing with the conviction under Section 304-A IPC, reduced the substantive sentence to the period already undergone.

5. Notice of motion.

6. Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana who is present in Court, accepts notice on behalf of the State.

7. Per contra, learned State counsel opposes the submissions advanced by the learned counsel for the petitioner, emphasizing that the conviction is based on the concurrent findings of fact recorded by both the Courts below. However, learned State counsel on instructions, does not dispute that, since the occurrence of the accident in 2007, the petitioner has maintained good conduct and has not been involved in

any other criminal case. Custody certificate of the petitioner has been placed on record by the learned State counsel, which also does not reflect his involvement in any other criminal case.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. It is undisputed that the incident pertains to the year 2007, and the petitioner has not been involved in any criminal case since then. He has endured the agony of prolonged trial proceedings for almost 17 years and has already undergone a substantial period of imprisonment. In **Sagar Lolienkar's case (supra)**, the Hon'ble Supreme Court reduced the sentence of the appellant convicted under Sections 279 and 304-A IPC, noting that the case involved rash and negligent driving simplicitor and did not involve driving under the influence of alcohol, which would warrant stricter punishment.

10. Similarly, in the present case, there are no allegations of drunk-driving against the petitioner. Given the passage of time, the petitioner's otherwise clean record, and the fact that he has already undergone a portion of the sentence, this Court is of the considered view that the ends of justice would be met by reducing the substantive sentence to the period already undergone while enhancing the fine imposed.

11. Accordingly, while maintaining the conviction of the petitioner under 304-A, 338, 337, 279 of the IPC, his sentence of 18 months is reduced to the period already undergone. However, the fine imposed is enhanced from ₹500/- to ₹50,000/- under Section 304-A IPC.

12. It is made clear that if the petitioner fails to deposit the enhanced fine before the trial/successor Court within a period of three months from the date of this order, he shall not be entitled to the benefit of sentence reduction and shall be required to undergo remaining part of the sentence awarded to him.

13. Upon deposit of the fine, trial/successor Court shall ensure that the enhanced amount of fine is released to the legal representative(s) of the deceased after due verification and identification.

14. With the aforesaid modifications, the instant revision petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

January 31, 2025
rps

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