

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRR-324-2005

Date of decision: 17.09.2025

Sanjeev Kumar

Versus

.....Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sidharth Grover, Advocate (Amicus Curiae)
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant Criminal Revision arises from the judgement of conviction/order of sentence dated 04.06.2003 passed by the learned Sub Divisional Judicial Magistrate, Balachaur, as affirmed by the learned Additional Sessions Judge, Nawanshahar, vide judgement dated 08.02.2005, whereby the petitioner was convicted and sentenced, in case FIR No.104 dated 20.08.2000 under Sections 279, 304-A of the IPC, registered at Police Station Balachaur, as follows :

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
304-A IPC	RI for 02 years	Rs.5,000/-	RI for 03 months
337 IPC	RI for 06 months	Rs.500/-	RI for 01 month
427 IPC	RI for 06 months	Rs.1,000/-	RI for 02 months

2. Learned Amicus Curiae appearing for the petitioner, *inter alia*, contends that there has been an inordinate delay in filing of the FIR in question. It has been submitted that the present petitioner was

falsely implicated after four days of the incident. It has been further submitted that there was no description of the driver of the offending vehicle given in the FIR. It has been further submitted that no test identification parade was conducted by the police to establish the identity of the petitioner as the alleged driver of the offending vehicle. It has also been submitted that the petitioner was identified for the first time by the witnesses in the Court during the course of evidence. Learned Amicus Curiae further submits that no independent witness was examined by the prosecution to establish the presence of the petitioner at the place of occurrence.

3. *Per contra*, learned State counsel has supported the findings of conviction recorded by both the Courts below. It has been further submitted that PW-1 Raj Mal as well as PW-3 Mohinder Pal had categorically stated that the offending vehicle was driven by the petitioner in a rash and negligent manner which resulted in the death of Sandeep Singh.

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

5. Both the Courts below have returned concurrent findings of guilt, which are borne out from the evidence on record and do not suffer from any illegality, irregularity or perversity. Hence, the conviction of the petitioner is affirmed.

6. At this stage, the only question that therefore survives for consideration is that of sentence. It is undisputed fact that the accident in question took place more than 20 years ago. During this entire

period, the petitioner has faced the ordeal of protracted criminal proceedings. It is also not disputed that he has not been involved in any other criminal case either prior to or after the occurrence, and has maintained good conduct. The petitioner has already undergone the custody period for about 03 months.

7. Having regard to the aforesaid circumstances, including the long passage of time since the incident, the clean antecedents of the petitioner, and the period of imprisonment already undergone, this Court is of the considered opinion that the ends of justice would be adequately met by reducing the substantive sentence to the period already undergone while enhancing the quantum of fine.

8. Accordingly, while upholding the conviction of the petitioner, the substantive sentence of 02 years rigorous imprisonment awarded to him is hereby reduced to the period already undergone by him.

9. However, the fine imposed upon the petitioner is enhanced from Rs.6,500/- to Rs.20,000/- in toto. The enhanced amount of fine is to be deposited with the "Punjab State Legal Services Authority Disaster Relief Fund, A/c No.44426937384, IFSC-SBIN0014656, State Bank of India, Sector-68, SAS Nagar, Mohali" within one month from the date of this order. It is made clear that in the event of non-deposit of the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to the petitioner, and he shall be required to undergo the remaining part of the sentence awarded to him.

10. With the aforesaid modification in the quantum of sentence and enhancement of fine, the instant revision petition stands disposed of.

17.09.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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