



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

Criminal Revision No.1497 of 2006 (O&M)
Date of decision: September 4th, 2025

Satbir

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keerat Dhillon, *Amicus Curiae*
for the petitioner.

Mr. Shiva Khurmi, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is challenging the judgment dated 19.07.2006 passed by learned Additional Sessions Judge, Narnaul, whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 19.09.2005 passed by learned Judicial Magistrate 1st Class, Mahendergarh, in FIR No.332 dated 13.12.2001 under Sections 279, 337, 304-A of the IPC registered at Police Station Mahendergarh, vide which the petitioner was convicted and sentenced as follows, was dismissed:

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
304-A of the IPC	RI for 2 years	₹1,000/-	Imprisonment for 3 months
279 of the IPC	RI for 6 months	₹500/-	Imprisonment for 13 days

- Both the sentences were ordered to be run concurrently.
- Learned *Amicus Curiae* for the petitioner, *inter alia*,

contends that on the fateful day i.e. on 10.12.2001, the injured sustained three injuries. It was further submitted that the injured was subsequently discharged from the hospital and, after a lapse of 18 days i.e. on 28.12.2001, he succumbed to his injuries. Learned *Amicus Curiae* further contends that the prosecution has failed to establish any cogent nexus between the death of the injured and the alleged rash and negligent act of the petitioner as it is a matter of record that the cause of death was opined to be septicaemia in the Post-Mortem Report (Exhibit PW7/A). In absence of such nexus, it is submitted that the essential ingredients to constitute the offence alleged are not satisfied, thereby entitling the petitioner to the benefit of doubt.

4. It is further contended by the learned counsel for the petitioner that the FIR in question pertains to the year 2001, and ever since, the petitioner has been facing the ordeal of prolonged trial proceedings, spanning more than two decades. Learned counsel submits that out of the substantive sentence of two years imposed upon him by both the learned Courts below, the petitioner has already undergone actual incarceration of 17 days. In these circumstances, it is urged that a lenient view be taken while considering the question of sentence, particularly in light of the protracted nature of the proceedings and the period of imprisonment already undergone.

5. *Per contra*, learned State counsel has supported the concurrent findings of conviction recorded by both the Courts below. It was submitted that the prosecution has duly established the causal link between the accident and the death of the injured. The medical evidence on record, particularly the testimony of PW-7 Dr. Gajraj

clearly proves that the deceased died on account of septicaemia caused due to injury No.1 sustained in the accident.

6. In support of this plea, reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Sagar Loliengar Versus The State Of Goa 2022 (1) SCC 161***, wherein it has been observed that even in cases involving conviction under Section 304-A of the IPC, the substantive sentence of imprisonment can, in appropriate circumstances, be reduced to the period already undergone.

7. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence. While placing reliance upon the concurrent findings recorded against the petitioner by both the Courts below, it has been contended that the gravity of the offence, coupled with the established culpability of the petitioner, does not warrant any further leniency in the matter of sentence. However, learned State counsel fairly concedes that subsequent to the accident of 2001, the petitioner has maintained good conduct and has not been found involved in any other criminal case.

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

9. 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. The only question that survives for consideration is that of sentence. It is undisputed fact that the accident in question took place close to 24 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 more than three months of incarceration.

10. 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.

11. Accordingly, while upholding the conviction of the petitioner, the substantive sentence of one year rigorous imprisonment awarded to him is hereby reduced to the period already undergone.

12. However, the fine imposed upon the petitioner is enhanced from ₹500/- under Section 279 of the IPC and ₹1,000/- under Section 304-A of the IPC to ₹5,000/- *in toto*, which shall be deposited in the “Punjab Chief Minister Relief Fund, A/c No. 001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank”.

13. It is made clear that in the event of failure on the part of the petitioner to deposit the enhanced fine within a period of one month from today, the benefit of reduction of sentence shall not accrue to him, and he shall be required to undergo the remaining part of the sentence awarded by the Courts below.

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

September 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No