



CRR-2222-2007 (O&M)

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

CRR-2222-2007 (O&M)**Reserved on : 16.09.2025****Pronounced on : 31.10.2025**

Radha Krishan Pilley

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. P.R. Yadav, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J.

1. Aggrieved of the judgment of conviction dated 14.01.2006, and order of sentence dated 16.01.2006, passed by the Court of learned Judicial Magistrate First Class Rewari, hereinafter being referred to as 'trial Court', and the judgment dated 19.11.2007, in appeal, passed by the Court of learned Additional Sessions Judge Rewari, hereinafter being referred to as 'Appellate Court', the present revision petition has been preferred by the petitioner. It has been pleaded by the petitioner that both the judgments, i.e. judgments passed by the learned trial Court and the learned Appellate Court, are not sustainable in the eyes of law, and therefore, the same deserve to be set aside.

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2. In nut-shell, the facts emerging from record are that with regard to a motor vehicular accident, the FIR No.23 dated 03.05.2001 was lodged in Police Station Kasola, District Rewari, for the commission of offence punishable under Sections 279/304A of the Indian Penal Code. It was recorded in the FIR that on 03.05.2001, one Shimbu Dayal (complainant) and Shamsher Yadav performed their duty in Asahi Safety Glass Factory till 06:00 pm, and after duty hours, he along with Shamsher Yadav went to STD Booth. According to complainant, when Shamsher Yadav came out of STD Booth, and was on the southern side of the road, a car being driven in fast speed, and in a rash and negligent manner, came from Delhi side, and hit Shamsher Yadav. As per above-named complainant, due to the impact of collision with the car, Shamsher Yadav fell down, and suffered injuries, which proved to be fatal. It was also stated by the complainant that registration number of the car was DDU-7197, and that the name of its driver, as disclosed by him, was 'Radha Krishan Pilley S/o Gopal Pilley, the petitioner.

3. It is the case of the prosecution that in view of abovementioned complaint, formal FIR in this case was lodged, the investigation was taken up, and during the course of investigation, when all the necessary formalities were completed and the entire evidence was collected, the petitioner was sent to face trial before the Court of learned Judicial Magistrate.

4. Heard.



5. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserves to be set aside being an outcome of non-application of judicial mind. According to learned counsel for the petitioner, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate the fact that the necessary ingredients meant for the commission of offence under Sections 279/304A of IPC were not established by the prosecution as per the standard required under the law.

6. As per learned counsel for the petitioner, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioner guilty and the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court. However, during the course of arguments, the learned counsel for the petitioner has contended that in the instant revision petition, the petitioner is not inclined to challenge the finding of conviction recorded by the learned trial Court, duly affirmed by the learned Appellate Court. The learned counsel for the petitioner has categorically contended that at this stage, by virtue of present petition the petitioner is only challenging the order on the quantum of sentence.

7. It has been further contended by learned counsel for the petitioner that the incident had taken place way back in the year 2001, and that upon completion of trial, when the petitioner was convicted, he



preferred an appeal before the learned Appellate Court, which was decided in the year 2007, and in the same year, the present revision petition was filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last 24 years and has, in fact, already suffered punishment to a considerable extent. It has been submitted on behalf of petitioner that the offence in question was the first offence allegedly committed by the petitioner, and that even after the offence related to present revision petition, the petitioner has been prosecuted for any offence..

8. In addition to above, the learned counsel for the petitioner has also argued that in the present case, the petitioner had already served the sentence for a period of 03 months, and 12 days, and that by treating the above-discussed factors, the sentence already undergone by the petitioner may be treated to be the sentence awarded to him in the present case. In support of his arguments, the learned counsel for the petitioner has referred to the principles of law laid down by this Court in the cases of 'Nirmal Singh @Pappu Vs. State of Haryana', 2008(13) RCR (Criminal) 408, 'Rajeev Kanojia Vs. State of U.T.', 2014 (30) RCR (Criminal) 610, 'Vipan Singh @Patwari Vs. State of Punjab', 2022(4) ACC 792, and 'Suresh Kumar Vs. State of Haryana', 2025(2) RCR (Criminal) 236.

9. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Section 304A of IPC. According to learned State Counsel, the

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sentence awarded to the petitioner, i.e. imprisonment for a period of one year, is already on lower side, and the petitioner is not entitled for the sentence less than one year. As per the learned State Counsel, the instant revision petition has no merit and deserves dismissal.

10. The record has been perused carefully.

11. Once it is a categorical stand of the petitioner that he is not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court with regard to conviction of petitioner under Sections 279/304 IPC. Accordingly, the abovementioned finding is hereby affirmed.

12. With regard to quantum of sentence, it is relevant to mention here that in the case of *Nirmal Singh @Pappu* (supra), the petitioner was convicted for the commission of an offence punishable under Sections 279/304 IPC, and the allegations against the petitioner was that due to rash and negligent driving of tractor by him, a motorcyclist was killed. In the abovementioned case, wherein the petitioner faced protracted trial for a period of 19 years, the sentence awarded to him was reduced to period which he had already undergone in that case, i.e. for the period of 01 month and 10 days.

13. Similarly, in the case of *Rajeev Kanojia* (supra), which was the case for the commission of offence punishable under Sections 279/304A



IPC, this Court considered that the petitioner had faced protracted trial for a period of 17 years, and therefore, the sentence awarded to the petitioner was reduced to 18 days, which he had already undergone in that case.

14. In the case of *Vipin Singh @Patwari* (supra), which was also the case for the commission of offence punishable under Sections 279/304A IPC, the petitioner was ordered to undergo imprisonment for a period of 07 months and 25 days, already undergone in that case.

15. Similar view was taken by this Court in the case of *Suresh Kumar* (supra), wherein the petitioner, who faced protracted trial for a period of 25 years for the commission of offence punishable under Sections 279/304A of IPC, was directed to undergo imprisonment for the period which he had already undergone, i.e. 01 month.

16. In the light of above-discussed legal position, if the factual matrix of present case is analyzed, it transpires that following are the points which needs consideration:-

- (a) the accident in question had taken place about 24 years ago;
- (b) the petitioner is facing protracted trial for the last 24 years;
and
- (c) there is nothing on record to show that the petitioner has been involved in any other criminal case.

17. As a cumulative effect of abovementioned observations, it is hereby held that in the present also, the petitioner is entitled for a lenient



view, and that the sentence, which he has already undergone in the present case, i.e. 03 months and 12 days, is adequate to meet the ends of justice.

18. As a sequel to the aforesaid discussions, the present revision petition is hereby partly allowed. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him.

18. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 31, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No