

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRR-1002-2008
Date of decision: 04.09.2025

Mehma SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Umaid Singh Mann, Advocate (Amicus Curiae)
for the petitioner.

Mr. Shiva Khurmi, DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner has filed the instant revision petition to impugn the order dated 15.04.2008 passed by learned Sessions Judge, Sirsa, whereby the appeal preferred by him against the judgment of conviction dated 08.09.2006 and order of sentence dated 11.09.2006 passed by learned Sub Divisional Judicial Magistrate, Dabwali, in case FIR No.43 dated 28.01.1998 under Sections 279/304-A of the IPC registered at Police Station Sadar Dabwali, was dismissed.

2. Vide judgment dated 08.09.2006, learned Sub Divisional Judicial Magistrate, Dabwali, convicted the petitioner and sentenced as under:-

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



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3. Learned Amicus Curiae appearing for the petitioner, while assailing the impugned judgement of conviction passed by learned Trial and Appellate Courts, submits that the same suffers from patent irregularities and material contradictions. Learned Amicus Curiae submits that it is a matter of record that while stepping into the witness box, PW-2 Raj Kumar stated that on the fateful day, he was enroute his field to irrigate crops of *Narma*, however, this statement *per se* is factually incorrect as *Narma* crop is not usually cultivated in the month of January. This fact alone as per the learned Amicus Curiae, puts a serious dent in the prosecution version and makes the presence of the PW-2 questionable at the spot.

4. It has further been contended by the learned Amicus Curiae that the FIR in question dates back to the year of 1998 and ever since, the petitioner has been suffering the agony of protracted criminal proceedings spanning for more than two decades. Learned Amicus Curiae submits that out of the substantive sentence of two years imposed on him, the revisionist-petitioner has already undergone actual incarceration of 04 months and 09 days. It has been submitted that the petitioner has been leading the life of a disciplined and peace loving citizen and has no other criminal antecedents. In the view of aforementioned facts and circumstances, learned Amicus Curiae prays for lenient view to be taken while considering the question of sentence, more particularly in light of protracted nature of proceedings.

5. In support of his submissions, learned Amicus Curia has place reliance on the decision of the Hon'ble Supreme Court in *Sagar*



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Lolienkar Vs. State of Goa and another : 2022(1) SCC 161, wherein it was observed that even in cases involving conviction under 304-A of the IPC, the substantive sentence of imprisonment can be reduced to the period already undergone.

6. *Per contra*, learned State counsel has opposed the submissions and prayer made by the learned Amicus Curiae appearing for the petitioner, in view of the concurrent findings recorded against him. It has, however, not been disputed that after the accident in question i.e. in the year 1998, the petitioner has been maintaining good conduct, and has not been involved in any other criminal case.

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

8. The learned Trial Court as well as the learned Appellate Court have returned concurrent findings of guilt, which are borne out from sufficient evidence on record and do not suffer from any illegality much less perversity and hence, this Court deems it fit to uphold the conviction.

9. The only question that survives for consideration is sentence. In view of the facts put forth by the learned counsels and the fact that the accident in question pertains to the year 1998 and as not disputed by the learned State counsel, the petitioner has not been involved in any other criminal case and has in fact been leading a disciplined and law-abiding life, this Court does not deem it appropriate to send him behind bars at this juncture of life, more so, when he has faced the agony of a prolonged trial.



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10. It would be relevant to note that in *Sagar Lolienkar's case (supra)*, the Hon'ble Supreme Court had reduced the quantum of sentence of the appellant who was found guilty of offences punishable under Sections 279 and 304-A IPC for driving rashly and negligently on a public street. In this case, his act unfortunately resulted in the loss of precious human life. Since it was a rash and negligent act simplicitor and not a case of driving in an inebriated condition which is, undoubtedly despicable aggravated offence warranting stricter and harsher punishment, his quantum of sentence was reduced. Similarly in this case no such allegations of drunk driving have been levelled against the petitioner as well.

11. Ends of justice would be thus, met if while maintaining the conviction of the petitioner, his substantive sentence of rigorous imprisonment of 06 months under Section 279 of the IPC and rigorous imprisonment of 02 years under Section 304-A IPC respectively, is reduced to the period already undergone by him i.e. 04 months and 09 days.

12. Ordered accordingly.

13. However, the fine imposed upon the revisionist-petitioner is enhanced from Rs.500/- under Section 279 of the IPC and Rs.1,000/- under Section 304-A of the IPC to consolidated sum of Rs.10,000/- to be deposited with the "Punjab Chief Minister Relief Fund, A/c No.001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank" 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



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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.

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

04.09.2025

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(MANJARI NEHRU KAUL)
JUDGE

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