

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRR-1225-2008
Date of decision: 26.08.2025

Kulwant Singh
State of Punjab

Versus

.....Petitioner
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amaninder Preet, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner has filed the instant revision petition to impugn the order dated 03.05.2008 passed by learned Additional Sessions Judge, Jalandhar whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 21.08.2007 passed by learned Sub Divisional Judicial Magistrate, Phillaur in case FIR No.189 of 2000 under Sections 279, 304-A of the IPC registered at Police Station Phillaur, was dismissed.
2. Vide judgment dated 21.08.2007, learned Sub Divisional Judicial Magistrate, Phillaur, convicted and sentenced the petitioner as under:-

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 02 years	Rs.5,000/-	RI for 03 months
279 of the IPC	RI for 03 months	Rs.500/-	RI for 01 month

3. The case as set up by the prosecution may be noticed as thus :
4. The FIR in question was registered on the basis of a



CRR-1225-2008

statement made by the complainant, Gurjit Singh (son of the deceased), who reported that on 09.10.2000 at about 1.30 pm, he along with his father Bachan Singh (deceased), had halted at a *dhaba* to board a bus for Amritsar. While his father was crossing the road, a bus bearing registration No.PB-03-E-9600, coming from the wrong side and being driven in a rash and negligent manner, struck him. The impact caused fatal injuries, and Bachan Singh succumbed to them on the spot.

5. Learned counsel for the petitioner has, at the very outset, fairly conceded that in view of the concurrent findings of fact recorded by the learned Trial Court and learned Appellate Court, he does not intend to assail the conviction of the petitioner on merits. His submission is confined solely to the quantum of sentence. It is urged that the accident pertains to the year 2007, and the petitioner has already undergone incarceration for a period of about 10 months. It is further submitted that the petitioner has endured the ordeal of protracted criminal proceedings, is a peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting the petitioner to further incarceration.

6. In support of his plea, reliance has been placed on the decision of the Hon'ble Supreme Court in ***Sagar Loliengar 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



CRR-1225-2008

already undergone.

7. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence while drawing attention to the concurrent findings recorded against the petitioner, it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the accident of the year 2007, the petitioner has maintained good conduct and has not been involved in any other criminal activity.

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

9. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the accident is of the year 2007, and taking note of the fact—undisputed by the learned State counsel, that the petitioner has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

10. It would be apposite to advert to the observations of the Hon'ble Supreme Court in ***Sagar Lolienkar's case (supra)*** where, while dealing with conviction under Section 279 in 304-A of the IPC, the Hon'ble Supreme Court reduced the quantum of sentence in the following terms :-

“14. In the instant case, the appellant has been found to be guilty of offences punishable under Sections 279 and 304A IPC for driving rashly and negligently on a public street and his act unfortunately resulted in the loss of the



CRR-1225-2008

precious human life. But it is pertinent to note that there was no allegation against the appellant that at the time of accident, he was under the influence of liquor or any other substance impairing his driving skills. 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.”

11. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the petitioner, his substantive sentence of rigorous imprisonment for a period of 02 years is reduced to the period already undergone i.e. 10 months.

12. Ordered accordingly.

13. However, the fine imposed upon the petitioner is enhanced from Rs.5,000/- to Rs.25,000/- under Section 304-A of the IPC. It is made clear that in the event of non-deposit of the enhanced fine before the Trial/Successor Court within a period of two months 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. Upon deposit of the enhanced fine, the Trial/Successor Court shall ensure that the same is released to the legal representatives of the deceased, after due notice and proper identification.

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

26.08.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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