

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRR-2258-2009 (O&M)
Date of decision: 04.09.2025

Rajinder Singh PaulPetitioner

Versus

The State of U.T. ChandigarhRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pankaj Bains, Advocate and
Mr. Jasinder Singh Sekhon, Advocate (Amicus Curiae)
for the petitioner.

Mr. Samir Rathaur, Addl. P.P., U.T., Chandigarh.

MANJARI NEHRU KAUL, J.

1. The instant revision petition has been preferred against the judgement of conviction and order of sentence dated 05.10.2007 passed by learned Additional Chief Judicial Magistrate, Chandigarh, in FIR No.163 dated 07.09.2003 under Sections 279/304-A of the IPC registered at Police Station Sector 26, Chandigarh, convicting and sentencing the petitioner, which judgement was upheld by the learned Additional Sessions Judge, Chandigarh, on 18.05.2009.
2. The petitioner was sentenced to undergo imprisonment 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 03 months	-	-
337 of the IPC	RI for 03 months	-	-
304-A of the IPC	RI for 01year	Rs.500/-	RI for 15 days



CRR-2258-2009 (O&M)

2A. All the sentenced were ordered to be run concurrently.

3. The case as set up by the prosecution may be noticed as thus : the FIR in question was registered on the basis of a complaint made by the complainant, Neeraj Gupta, who reported that on 07.09.2003 at about 8:15 p.m., he was going to house from the side of Sabzi Mandi, Sector 26, Chandigarh and when he reached near the chowk of Sectors 27/28 and 29/30, Chandigarh, a bus bearing registration No.UA-08-2097 came from the side of Bus Stand, Sector 17, Chandigarh, in a very high speed, rash and negligent manner and hit against the scooter of Neeraj Kumar on which Sandeep Gupta (since deceased) was pillion riding. The deceased was taken to the hospital where he was declared brought dead.

4. Learned counsel for the petitioner as well as learned Amicus Curiae have, 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, they do not intend to assail the conviction of the petitioner on merits. Their submission is confined solely to the quantum of sentence. It is urged that the accident pertains to the year 2003, and the petitioner has already undergone incarceration for a period of 06 months and 13 days. 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 plead for a lenient view, contending that no useful purpose would be served by subjecting the petitioner to further incarceration.



CRR-2258-2009 (O&M)

5. In support of their plea, reliance has been placed on the decision of the Hon'ble Supreme Court in ***Sagar Loliienkar 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 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 2003, the petitioner has maintained good conduct and has not been involved in any other criminal activity.

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

8. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the accident is of the year 2003, 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.

9. It would be apposite to advert to the observations of the Hon'ble Supreme Court in ***Sagar Loliienkar's case (supra)*** where, while



CRR-2258-2009 (O&M)

dealing with conviction under Section 279 and 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 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.”

10. 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 1 year is reduced to the period already undergone i.e. 06 months and 13 days.

11. Ordered accordingly.

12. However the fine imposed is enhanced from ₹500/- to ₹5,000 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 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



CRR-2258-2009 (O&M)

of.

14. Pending applications, if any, stand disposed of.

04.09.2025

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(MANJARI NEHRU KAUL)
JUDGE

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