

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

Criminal Revision No.2340 of 2009
Date of decision: September 3rd, 2025

Rajbir Singh @ Raju

.....Petitioner

Versus

The State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shubham Pathania, Advocate
for Mr. Aman Bahri, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is challenging the judgment dated 08.08.2009 passed by learned Additional Sessions Judge, Rupnagar, whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 01.11.2007 passed by learned Judicial Magistrate 1st Class, Kharar, in FIR No.175 dated 29.12.1990 under Sections 279, 304-A of the IPC registered at Police Station Kharar, 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
279 of the IPC	RI for 6 months	₹500/-	SI for 1 month
304-A of the IPC	RI for 1 year	₹500/-	SI for 1 month

2. Both the sentences were ordered to be run concurrently.
3. Learned counsel for the petitioner, at the very outset, submits that he does not wish to assail the findings of conviction

recorded by the learned trial Court on merits. His submissions are, therefore, confined solely to the aspect of quantum of sentence.

4. It is further contended that the incident in question pertains to the year 1990, 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 one year imposed upon him, the petitioner has already undergone actual incarceration of 1 month and 25 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. In support of this plea, reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Sagar Loliienkar 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.

6. Custody certificate of the petitioner has been filed in Court, which is taken on record. Copy supplied to the counsel opposite.

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 1990, 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 35 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/- each under Sections 279 and 304-A of the IPC respectively to ₹10,000/- *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 3rd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No