



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

206

CRR-3216-2009**Date of decision: 29.08.2025**

Amrit Sukhpal Singh

.....Petitioner/Revisionist

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.P. Dhir, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant revision petition has been preferred against the judgement dated 10.11.2005 passed by learned JMIC, Hoshiarpur in FIR No.346 dated 13.11.2001 under Sections 279/337/304-A of the IPC registered at Police Station Sadar Hoshiarpur, convicting and sentencing the revisionist, which judgement was upheld by the learned Additional Sessions Judge, Hosharpur, on 08.09.2009.

2. The revisionist was sentenced to undergo rigorous 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 06 months	Rs.500/-	-
304-A of the IPC	RI for 1year	Rs.500/-	RI for 02 months

3. The prosecution case, in brief, is that on 29.10.2001, complainant Jai Nath Rai was returning home from village Hardokhanpur on a bicycle with his son Santosh Kumar, aged 12 years.



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Around 8.30 am, on the Tanda bypass, a Tata Sumo bearing registration No.PB-06B-7466, driven at a high speed and without horn, struck their cycle from behind. As a result, the complainant fell on the *katcha* path, while his son fell on the *pakka* road, sustaining severe head injuries and becoming unconscious.

4. Tarsem Lal, who happened to be present near the place of occurrence, witnessed the accident. With his help, the complainant arranged transport and rushed the injured boy to Civil Hospital, Hosharpur, from where he was referred to a Neuro Centre at Ludhiana due to his critical condition. Despite treatment, the boy succumbed to his injuries.

5. On 13.11.2001, after meeting the police, the statement of the complainant was recorded and an FIR registered under Sections 279/337 of the IPC. Upon the death of the child, Section 304-A IPC was added. The offending vehicle and documents were seized, and after investigation, the accused was chargesheeted.

6. On the basis of the evidence led, learned Trial Court and learned Appellate Court convicted the accused-petitioner which as already noted above.

Submissions on Behalf of the Revisionist

7. Learned counsel for the revisionist has argued that :

- There was a delay of 15 days in registration of the FIR, which is fatal to the prosecution.
- The FIR does not mention the name or description of the accused, and no test identification parade was conducted.



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Identification for the first time in Court is unreliable.

- PW-3 Jai Nath Rai (complainant and father of the deceased) and PW-4 Tarsem Lal are interested and fabricated witnesses, whose presence at the spot is doubtful. If the complainant had indeed taken his son to civil hospital, the records would not have described the injured as “unknown boy”.
- PW-4 Tarsem Lal admitted that he had only seen the vehicle from behind and was not previously acquainted with the driver. His identification of the accused is, therefore, unsafe.
- The Trial and Appellate Courts failed to appreciate these infirmities and erred in convicting the revisionist on weak and contradictory evidence.

Submissions on Behalf of the State

8. *Per contra*, learned State counsel has submitted that :
 - The ocular testimonies of PW-3 Jai Nath Rai and PW-4 Tarsem Lal are natural, cogent and consistent, withstanding detailed cross-examination.
 - The delay in lodging the FIR has been reasonably explained : the complainant was occupied with saving the life of his son. A distressed father cannot be expected to prioritise approaching the police over medical care.
 - The non-mention of the name of the injured in hospital



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record is not decisive, as medical emergencies often result in incomplete entries.

- PW-4 Tarsem Lal, an independent witness with no motive against the accused, categorically identified him as the driver of the Tata Sumo. His evidence remained unshaken.
- Medical evidence, particularly the post-mortem conducted by Dr. Amarjit Singh, PW-2, confirms that death was caused by head injury resulting from the road accident.
- It was urged that the findings of the learned Trial and Appellate Courts are sound and do not warrant interference in revisional jurisdiction.

Findings of the learned Appellate Court

9. The learned Appellate Court, while affirming conviction, held that both PW-3 Jai Nath Rai and PW-4 Tarsem Lal gave consistent and reliable accounts of the accident and were not discredited in cross-examination; the delay in FIR was satisfactorily explained by the immediate concern for medical treatment; medical evidence conclusively proved that death resulted from the accident; non-recording of the name of the injured in hospital records was immaterial, given his unconscious state and the anxiety of the father; identity of the accused as the driver of the offending vehicle stood proved through credible eyewitness testimony.

10. Accordingly, the learned Appellate Court dismissed the appeal preferred by the accused.



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Findings of this Court

11. Having considered rival submissions and scrutinised the evidence, this Court finds no merit in the contentions raised on behalf of the revisionist.

12. The occurrence of the accident and the fact that Santosh Kumar sustained fatal injuries is not in dispute. The testimonies of PW-3 Jai Nath Rai and PW-4 Tarsem Lal are trustworthy, and their presence at the scene has been adequately established. Their statements are corroborated by medical evidence.

13. The delay in lodging the FIR has been properly explained and cannot by itself discredit the prosecution. The priority of the complainant in saving the life of his injured child was both natural and understandable.

14. The identification of the accused by PW-4 Tarsem Lal in Court is credible. He was an independent witness with no enmity against the accused. Nothing emerged in cross-examination to disbelieve his version.

15. The medical evidence conclusively links the injuries suffered in the accident to the death of the child. This aspect has remained unchallenged.

16. Revisional jurisdiction of this Court is limited and interference is warranted only if there is perversity or illegality in the findings of the learned Trial and Appellate Courts. The concurrent findings in the present case are based on a proper appreciation of evidence and disclose no such infirmity. Therefore, this Court is not



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inclined to interfere with the well reason findings of the learned Trial and Appellate Courts.

17. The accident in question took place in October, 2001. More than two decades have elapsed, during which the revisionist has endured the ordeal of trial and appeal.

18. It would be apposite to advert to the observations of the Hon'ble Supreme Court in ***Sagar Loliengar Vs. State of Goa and another : 2022(1) SCC 161*** where, while 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.”

19. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the revisionist, his substantive sentence of rigorous imprisonment for a period of 1 year is reduced to 06 months.

20. Ordered accordingly.

21. The fine imposed upon the revisionist is enhanced from Rs.500/- to Rs.5,000/- under Section 304-A of the IPC. It is made clear that in the event of non-deposit of the enhanced fine before the

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Trial/Successor Court within a period of two months from today, the benefit of reduction of sentence shall not accrue to the revisionist, 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.

22. The instant revision petition is dismissed on merits. The conviction of the revisionist under Sections 279 and 304-A of the IPC is hereby affirmed. However, the sentence is reduced to the period of 06 months.

23. The Chief Judicial Magistrate/Trial Court is directed to take necessary steps to take the revisionist in custody to serve out his another period of 02 months.

29.08.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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