



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

222

CRR No.222 of 2010 (O&M)

Date of Decision:08.12.2025

Mithu Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jasmeet Singh Kang, Advocate for
Mr. Karan Pathak, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 279, 427 and 304-A of the Indian Penal Code, the FIR No.123 dated 25.05.1998 was lodged in Police Station City Rajpura. Once the FIR was lodged, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the petitioner was sent to the Court of learned Sub Divisional Judicial Magistrate, Rajpura, hereinafter being referred to as 'trial Court', to face trial for the abovementioned offence.

2. The petitioner participated in the abovementioned trial, which by virtue of judgment dated 22.04.2005 culminated into his conviction. Thus, by virtue of order of quantum of sentence of same date, the petitioner was awarded the following sentence:-



Sr. No.	Under Section	Imprisonment
1.	279 of IPC	To undergo rigorous imprisonment for six months.
2.	304-A of IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/- in default of payment of fine he shall undergo rigorous imprisonment for 15 days.

3. Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioner preferred an appeal in the Court of Sessions. The abovementioned appeal has been decided by the Court of learned Additional Sessions Judge (Adhoc), Patiala, hereinafter being referred to as ‘Appellate Court’. The appeal, preferred by the petitioner, was dismissed by the learned Appellate Court, vide order dated 20.01.2010.

4. Feeling aggrieved of the judgment of conviction and order of sentence dated 22.04.2005, passed by the learned trial Court, and the judgment dated 20.01.2010, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioner.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Chanbdresh Kumar, who stated before the police that on 25.05.1998, he and his brother Varinder Kumar Gupta along with their friends were going to Patiala for domestic work. As per complainant, when they reached on G.T.Road, Rajpura, a bus bearing registration No.PB-11-F-9780 being driven in a rash and negligent manner came from opposite direction, and hit the car of his brother Varinder Gupta. According to complainant, as a result of abovesaid collision, his brother and brother’s friend



died on the spot and the abovementioned bus went out of control and fell down into roadside ditches. It was also stated by the complainant that the name of the bus driver was later on raveled Mithu.

6. It is the case of the prosecution that in view of abovementioned complaint formal FIR in this case was lodged, and the investigation taken up. As per prosecution during the course of investigation, when all the necessary formalities were complete and the entire evidence stood collected, the final report under Section 173 of Cr.P.C. was filed before the Court for the trial of the petitioner.

7. Heard.

8. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserve to be set aside being an outcome of non-application of judicial mind. According to learned counsel for the petitioner, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate the fact that the necessary ingredients meant for the commission of offence under Sections 279/304A of IPC were not established by the prosecution as per the standard required under the law.

9. As per learned counsel for the petitioner, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioner guilty and that despite the fact that the deficiencies in prosecution case were pointed out, the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court and the appeal has been dismissed.

10. However, during the course of arguments, the learned counsel for



the petitioner has contended that in the instant revision petition, the petitioner is not inclined to challenge the findings of conviction recorded by the learned trial Court, duly affirmed by the learned Appellate Court. The learned counsel for the petitioner has categorically contended that at this stage, by virtue of present petition, the petitioner is only challenging the order on the quantum of sentence.

11. It has been further contended by learned counsel for the petitioner that the incident had taken place way back in the year 1998, and that on completion of trial, when the petitioner was convicted, he preferred an appeal before the learned Appellate Court, which was decided in the year 2010, and thereafter, the present revision petition has been filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last 27 years and has, in fact, already suffered punishment. It has been submitted on behalf of petitioner that the offence in question was the first offence committed by the petitioner, and that even after the offence related to present revision petition, the petitioner has not been prosecuted for any other offence.

12. In addition to above, the learned counsel for the petitioner has also argued that in the present case, the petitioner has already served a sentence for a period of 03 months and 10 days, and that by treating the above-discussed factors, the sentence already undergone by the petitioner may be treated to be the sufficient sentence.

13. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable



under Sections 279 and 304A of IPC. According to learned State Counsel, the sentence awarded to the petitioner, i.e. imprisonment for a period of one year, is already on lower side, and that the petitioner is not entitled for a sentence of imprisonment for a period of less than one year. As per learned State Counsel, the instant revision petition has no merit and deserves dismissal.

14. The record has been perused carefully.

15. Once it is a categorical stand of the petitioner that he is not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court with regard to conviction of petitioner under Sections 279/304A IPC. Accordingly, the abovementioned finding is hereby affirmed.

16. As far as the order on quantum of sentence is concerned, in view of the fact that the petitioner is a first time offender, and that after the present prosecution, he has not been prosecuted by the police for any other case, it is hereby held that the petitioner is entitled for a lenient view, and that the sentence awarded to the petitioner, i.e. imprisonment for a period of 01 year, is harsh. Thus, with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

17. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration:-

(a) that the accident in question had taken place about 27 years



ago;

(b) that the petitioner is facing the agony of protracted trial for the last 27 years; and

(c) that there is nothing on record to show that the petitioner has been involved in any other criminal case.

18. As a cumulative effect of abovementioned observations, it is hereby held that in the present case the petitioner is entitled for a lenient view, and that the sentence, which he has already undergone in the present case, i.e. 03 months and 10 days, is adequate to meet the ends of justice.

19. As a sequel to the aforesaid discussions, the present revision petition is hereby partly allowed. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him. The present revision petition stands partly allowed, accordingly.

20. Pending miscellaneous application(s), if any, stand(s) disposed of.

(SURYA PARTAP SINGH)
JUDGE

08.12.2025
Manoj Bhutani

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