

CRR-112-2011
Date of decision: 18.02.2025

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Sanjeev Kumar Bawa, Advocate for
Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 06.12.2010 passed by learned Additional Sessions Judge, SAS Nagar, Mohali, vide which, judgment of conviction dated 01.02.2010 and order on quantum of sentence dated 01.02.2010 passed by learned Judicial Magistrate Ist Class, Dera Bassi in case bearing FIR No.175 dated 18.08.2002 registered under Sections 279/304-A IPC at Police Station Lalru have been upheld.

2. The petitioner was sentenced as under:

Offence under Section(s)	Sentence
279 IPC	RI for 03 months with a fine of Rs.500/-, in default of payment of fine, to undergo SI for 15 days.
304-A IPC	RI for 01 and half years with a fine of Rs.1,500/-, in default of payment of fine, to undergo SI for 01 month
It was ordered that both the sentences shall run concurrently.	



3. Brief facts of the present case are that on 18.08.2002, a telephonic message received from Chowki No.7, Urban Estate Ambala to the effect that one Arjun Singh has died in a road accident. Upon which, the police party reached at Civil Hospital, Ambala City and recorded the statement of Parminder Singh, wherein he stated that on 17.08.2002 at about 6:30 PM, he along with his father Arjun Singh was coming to Zirakpur from his house and when they came towards Lalru side at about 7:00 PM, his father i.e. Arjun Singh asked to stop scooter. When Arjun Singh was standing at the edge of the road on his left side, after going to a call of nature, a vehicle TATA-909 having face of bus, being driven on a high speed in a negligent manner, hit him, upon which, Arjun Singh fell down and suffered injuries on his head and other parts of body. The driver of the above said vehicle fled away with the vehicle. The number of said vehicle was seen as HR-37-7380. On the basis of said statement, formal FIR under Sections 279/304-A of IPC was registered.

4. The petitioner was convicted and sentenced vide judgment of conviction and order of sentence dated 01.02.2010 passed by learned trial Court, which have also been upheld by learned lower Appellate Court vide judgment dated 06.12.2010.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 01.02.2010 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioner. As per order dated 20.07.2011 passed by this Court, the petitioner has undergone a custody period of about 07 months and 15 days, including custody after conviction.

6. *Per contra*, learned State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on



correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, he does not deserve any leniency.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. In ***Deo Narain Mandal v. State of UP (2004) 7 SCC 257***, a Three Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. State of AP AIR 2017 SC 1166***, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

10. The FIR in the present case was lodged on 18.08.2002 and the petitioner has been suffering the agony of protracted trial for the last more than 22 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per order dated 20.07.2011 passed by this Court, the petitioner has undergone a custody period of about 07 months and 15 days, including custody after conviction.

11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

12. Consequently, the present petition is disposed of in the following terms:-

(i) The judgment dated 06.12.2010 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, affirming the judgment of conviction dated 01.02.2010 is upheld, however, the order of sentence dated 01.02.2010 is modified to the extent that the sentence of rigorous imprisonment for one and half years along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) Fine of Rs.2,000/- imposed upon the petitioner is enhanced to Rs.10,000/-. The petitioner is directed to deposit the amount of



fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioner shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month. Fine amount already deposited, if any, be adjusted.

February 18, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |