



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

CRR-1175-2011

Date of Decision:-06.05.2025

Jiwan Kumar

.....Petitioner

Vs.

State of UT, Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the petitioner.

Mr. Vaibhav Mittal, Addl. P.P. U.T., Chandigarh.

DEEPAK GUPTA, J. (ORAL)

1. Petitioner was tried by the Court of Ld. Judicial Magistrate First Class, Chandigarh in a case arising out of FIR No.168 dated 31.08.2001 under Sections 279 and 304 A of IPC and Sections 3, 181 and 196 of Motor Vehicles Act, 1988 registered at Police Station Mani Majra, Chandigarh. After trial, the petitioner was convicted under Section 279 IPC and Sections 181 and 196 of MV Act vide judgment dated 24.02.2009 by the trial Court and to pay fine of ₹500/- with default sentence of 30 days simple imprisonment in case of non-payment of fine and he was also convicted under Section 304 A IPC in which he was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/-. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, Chandigarh vide judgment and decree dated 28.04.2011.

2. Against the abovesaid conviction and sentence, this revision was filed.

3. Today nobody is appearing on behalf of the petitioner. This Court has gone through the impugned judgment of the Courts below and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

4. However as far as the impugned order of sentence is concerned it is noticed that petitioner was convicted under Section 279 IPC and Sections 181 and 196 of MV Act vide judgment dated 24.02.2009 by the trial Court and to pay fine of ₹500/- with default sentence of three months simple imprisonment in case of non-payment of fine and he was also convicted under Section 304 A IPC in which he was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/-.

5. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 02 months and 16 days. It is revealed further that he has no criminal antecedents. He was 46 years of age at the time of offence, which had taken place way back in 2001 i.e. 24 years back.

6. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the petitioner, instead of sending him behind bars in the company of hardened criminals.

7. Consequently, the present petition is partly accepted. By

maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the petitioner is sentenced to imprisonment for the period already undergone by him. As far as fine is concerned, it will remain same.

8. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate, concerned, within a period of four weeks from today, failing which the petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

06.05.2025

Prince Chawla

Whether Speaking/reasoned	Yes
Whether Reportable	No