

CRR-1659-2015
Date of decision: 22.01.2025

...PETITIONER

...RESPONDENT

2. The petitioner was sentenced as under:

Offence	Sentence
279 IPC	RI for 03 months with a fine of Rs.500/- in default of payment of fine to undergo RI for 01 month.
337 IPC	RI for 06 months with a fine of Rs.500/- in default of payment of fine to undergo RI for 01 month.
338 IPC	RI for 01 year with a fine of Rs.500/- in default of payment of fine to undergo RI for 01 month.

3. Brief facts of the prosecution case are that on 8.5.2010 on receipt



of information regarding accident, HC Angrej Singh reached at the spot and got clicked photographs. Thereafter, he received a telephone from DCR Bathinda regarding the fact that Ranjit Kaur wife of Ajit Singh has been admitted in hospital. Thereafter, ASI Balraj Singh reached Bharat Brain hospital, however, the doctor reported that patient is unfit to make the statement. Thereafter, they received another telephone from DCR Bathinda that Ajit Singh son of Ujagar Singh and Ranjit Kaur wife of Ajit Singh have been admitted in Civil Hospital, Bathinda due to accident. Thereafter, HC Angrej Singh reached civil hospital and doctor reported that patient Ajit Singh has been discharged and Ranjit Kaur has been referred to some other hospital. On 08.05.2010 to 11.05.2010, Ranjit Kaur remained unfit in Bharat Brain Hospital, Bathinda. On 12.05.2010 ASI Balraj Singh alongwith other police officials reached Bharat Brain hospital and taken the opinion of doctor, who reported that patient is unfit to make statement. Thereafter, they got recorded the statement of Ajit Singh to the effect that "he is resident of village Gatwali and on 08.05.2010 he alongwith his wife Ranjit Kaur was going from Bathinda to Talwandi Sabo on Hero Honda Splender motor cycle bearing No.PB-03L-5392. They were going to their village Gatwali, when at about 10.30 A.M., they reached near Kailewander Head, a car came at a high speed from the side of Bathinda and the car was being driven in a negligent manner and the driver struck the car in their motor cycle, due to which, they fell down and his wife suffered injuries on her head. He also received injuries. Motor cycle was also damaged. His wife suffered grievous injuries on the head and she became unconscious. Thereafter, driver Goldi son of Bhagwan Dass resident of Raman Mandi to whom, he knows earlier came to them and after seeing grievous injuries, ran away from the spot, after leaving his car bearing No.PB-035-100.



Thereafter, the vehicle of Sahara came at the spot and they admitted them in hospital, but doctor referred his wife to Bharat Brain hospital. He got discharged from civil hospital and is taking treatment from the private doctor. So, car driver Goldy, while driving his car at a high speed in negligent manner, caused the accident. Hence, the FIR (*supra*) was registered.

4. The petitioner was convicted and sentenced vide judgment and order dated 05.12.2013 passed by learned trial Court, which has also been upheld by learned lower Appellate Court vide judgment dated 27.04.2015.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 05.12.2013 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. Petitioner has undergone a total period of 02 months and 15 days, including remission.

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. As per the custody certificate of the petitioner, he is involved in one more case.

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 12.05.2010 and the petitioner has been suffering the agony of protracted trial for last 15 years. Since his conviction, the petitioner has grown into law-abiding citizen and desire to live a peaceful life. As per his custody certificate, he is not involved in any other case and has undergone total sentence of 02 months and 15 days,



including remission out of total sentence of one year, in the instant case.

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 27.04.2015 passed by the learned Additional Sessions Judge, Bathinda, affirming the judgment of conviction is upheld, however, the order of sentence dated 05.12.2013 is modified to the extent that the sentence of rigorous imprisonment for one year along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him subject to the fine of an amount of Rs.5,000/- upon the petitioner.

(ii) 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.

January 22, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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