



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Criminal Revision No.1643 of 2008
Date of decision: September 1st, 2025

Lal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

The petitioner has filed the instant revision petition to impugn the order dated 08.07.2008 passed by learned Additional Sessions Judge, Moga, whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 29.03.2007 passed by learned learned Sub Divisional Judicial Magistrate, Zira, in FIR No.216 dated 27.10.1998 under Sections 279/304-A/338 of the IPC registered at Police Station Dharamkot, was dismissed.

2. Vide judgment dated 29.03.2007, learned Sub Divisional Judicial Magistrate, Zira, convicted the petitioner and sentenced as under:

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
304-A of the IPC	RI for 1½ years	₹1,000/-	RI for two months
338 of the IPC	RI for nine months	₹500/-	RI for one month
279 of the IPC	RI for six months	-	-

All the sentences were ordered to be run concurrently.

3. Learned counsel for the petitioner has, at the very outset, fairly conceded that in view of the concurrent findings of fact recorded by the learned trial Court and learned Appellate Court, he does not intend to assail the conviction of the petitioner on merits. His submission is confined solely to the quantum of sentence. It is urged that the accident pertains to the year 1998, and the petitioner has already undergone incarceration for a period of about 7 months and 20 days. It is further submitted that the petitioner has endured the ordeal of protracted criminal proceedings, is a peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting the petitioner to further incarceration.

4. In support of his plea, reliance has been placed on the decision of the Hon'ble Supreme Court in *Sagar Loliengar Vs. The State of Goa and another: 2022(1) SCC 161*, wherein it was observed that even in cases involving conviction under 304-A of the IPC, the substantive sentence of imprisonment can be reduced to the period already undergone.

5. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence while drawing attention to the concurrent findings recorded against the petitioner, it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the accident of the year 1998, the petitioner has maintained good conduct and has not been involved in any other criminal activity.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the accident is of the year 1998, and taking note of the fact-undisputed by the learned State counsel, that the petitioner has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

7. It would be apposite to advert to the observations of the Hon'ble Supreme Court in *Sagar Loliienkar's case (supra)* 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.”

8. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the petitioner, his substantive sentence of rigorous imprisonment for a period of 1½ years is reduced to the period already undergone.

9. Ordered accordingly.

10. However, the fine imposed upon the petitioner is enhanced from ₹1,000/- to ₹15,000/- under Section 304-A of the IPC. It is made clear that in the event of non-deposit of the enhanced fine before the trial/successor

Court within a period of two months from today, the benefit of reduction of sentence shall not accrue to the petitioner, 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.

11. With the aforesaid modification in the quantum of sentence and enhancement of fine, the instant revision petition stands disposed of.

September 1st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No