



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

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CRR-1864-2024 (O&M)

Date of decision: 14.01.2025

Satnam Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Sukhdeep Singh Sidhu, Advocate, for the petitioner.

Mr.Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant revision petition is for quashing of the orders dated 08.08.2017 passed by the learned trial Court and order dated 04.09.2024 whereby he had been wrongly convicted and sentenced.

2. The instant case stems from an accident that occurred on 14th of June, 2014 at about 11:45 PM, which tragically claimed the life of one Mangal Ram, the father of the complainant Rajesh Kumar.

3. The case set up by the prosecution may be noticed as thus:

On 14th of June 2014 at approximately 11:45 PM, the complainant, Rajesh Kumar, along with his father, Mangal Ram here-in-after referred to as deceased, was returning home on a scooter. When they reached near the HDFC Bank, Bathinda, a bus belonging to M/s. Hemkund Bus Service, bearing registration number PB-03Y-8351, driven in a rash and negligent manner, struck the rear side of their scooter. As a result, both the complainant and his father fell to the side of the road. The deceased suffered a serious head injury and was immediately removed to Civil Hospital, Bathinda where he succumbed to his injuries at 12:25 AM. The petitioner who was stated to be the driver of the offending truck was



convicted and sentenced to undergo the following sentence by the trial Court:

U/s 304-A IPC	Sentenced to undergo R.I. for a period of two year & payment of fine of Rs.1000/- in default of payment of fine further R.I.for one month
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4. The said conviction and sentence were upheld by the learned Appellate Court vide order dated 04.09.2024.
5. At the outset, learned counsel for the petitioner has conceded that in light of the concurrent findings recorded by both the trial Court and the appellate Court, he would not challenge the conviction of the petitioner on merits. However, he would restrict his prayer to a reduction in the quantum of sentence.
6. Learned counsel submits that the accident in question pertains to the year 2014 and the petitioner has already undergone a period of 4 months and 9 days out of the substantive sentence of two years. It is also further submitted that the petitioner has faced the agony of prolonged criminal proceedings over the past several years and has since led a disciplined and law-abiding life. Still further, it has been asserted that the petitioner has no prior or subsequent criminal antecedents, the fact not disputed by the learned State Counsel.

Learned counsel for the petitioner has placed reliance on the judgment of the Supreme Court in **Sagar Lolienkar vs The State of Goa, 2022 (1) SCC 161** where the substantive sentence of imprisonment under

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Section 304-A of the IPC was reduced to the period already undergone, given the mitigating circumstances.

Learned State counsel while opposing the prayer made by the petitioner, has emphasized upon the concurrent findings of guilt recorded by the learned lower Court. However, it is not disputed that the petitioner has no other criminal involvement since the accident in question and has maintained good conduct. The custody certificate filed by the counsel for the State in the Court today also confirms this position.

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

After hearing submissions of both sides and perusing the material on record, the following factors emerge:

- (i) the accident in question occurred a decade ago in 2014;
- (ii) the petitioner has no prior or subsequent criminal antecedents;
- (iii) the petitioner has already undergone four months and nine days of custody out of substantive sentence of two years and has therefore faced prolonged criminal proceedings; and
- (iv) the case does not involve allegations of intoxication or any aggravated form of negligence.

In **Sagar Lolienkar case** (supra), the honourable Supreme Court reduced the sentence of an appellant convicted under Section 279 and 304-A IPC for rash and negligent driving which caused the loss of a human life. The Supreme Court observed that while such offences are



undoubtedly serious, they must be viewed in the context of the overall facts, including the absence of aggravating factors such as drunk driving.

Applying the principles as laid down by the Supreme Court in **Sagar Lolienkar case (supra)** and considering the mitigating circumstances in the present case, this Court finds that the ends of justice would be met by maintaining the conviction of the petitioner but reducing the substantive sentence of two years imprisonment under Section 304-A to the period already undergone.

In view of the foregoing discussion, the conviction of the petitioner under Sections 279 and 304-A of the IPC is upheld, however substantive sentence is reduced to the period already undergone. The petitioner shall be released forthwith if his custody is not required in any other case. However, the fine imposed on the petitioner is enhanced from Rs.1000/- to Rs.50,000/- under Section 304-A of the IPC. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of four months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioner and he will then be required to undergo the remaining part of the sentence awarded to him. On deposit of fine, the trial/successor Court shall release the enhanced amount of fine to the legal representative(s) of the deceased (after informing them against proper identification).

With the aforesaid modifications, the instant petition is disposed of.

January 14, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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