



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
257

CRR-3576-2014 (O&M)
Date of decision: 20.05.2025

Satish Kumar
State of Haryana
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jaiveer Singh, Advocate (Amicus Curiae)
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 29.09.2014 passed by the learned Additional Sessions Judge, Kaithal, vide which judgment of conviction dated 15.12.2012 and order on quantum of sentence dated 17.12.2012 passed by the learned Additional Chief Judicial Magistrate, Kaithal, in FIR No.121 dated 13.10.2007 registered under Sections 279, 304-A IPC at Police Station Rajound, have been upheld.
2. The petitioner was convicted by the learned Court below vide judgment of conviction dated 15.12.2012 and sentenced as follows:

Offence	Sentence
Section 304-A IPC	Rigorous imprisonment for a period of 02 years and to pay fine of Rs.2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 02 months.
Section 279 IPC	To pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 01 month.



3. Learned *amicus curiae*, *inter alia*, contends that the prosecution has failed to establish the fact that the petitioner was driving the vehicle at the time of alleged incident. The identity of the petitioner as a driver of the offending vehicle has not been established at all. The petitioner was not previously known to the witnesses and further, PW-2 Narinder has deposed in his evidence that Scorpio car was coming from the other side and he has nowhere deposed that Scorpio was being driven rashly and negligently. Further the identity of the petitioner in the Court, for the first time, cannot be relied upon in the absence of test identification parade. Moreover, 03 persons including the deceased were riding the motorcycle at the time of alleged incident and as such, they themselves were negligent while driving the motorcycle in a rash and negligent manner without wearing any helmets. Lastly, he submits that the petitioner has already undergone a period of 06 months and 03 days and is not involved in any other criminal activity.

4. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the 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, the petitioner does not deserve any leniency.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted under Sections 279 and 304-A IPC, for which



no minimum punishment has been prescribed. As per the custody certificate, the petitioner is not involved in any other case and has already undergone an actual sentence of 06 months and 03 days out of total sentence of 02 years, in the instant case. Since there is no minimum punishment prescribed under Sections 279 and 304-A IPC, 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.

6. In ***Deo Narain Mandal Vs. 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, the 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.

7. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the learned Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. The FIR in the present case was registered on 13.10.2007 and the petitioner has been suffering the agony of trial since the last more than 17 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.

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

- (i) The judgment dated 29.09.2014 passed by the learned Additional Sessions Judge, Kaithal, affirming the judgment of conviction dated 15.12.2012 is upheld.***
- (ii) The order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 02 years and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.***

10. The High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.



11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.05.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No