

208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1072-2007 (O&M)
Date of Decision: 23.03.2026

Rajesh

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Rakesh Nehra, Senior Advocate with
Mr. Harmanpreet Kaur, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 31.05.2007 passed by the Court of Sessions Judge, Rewari and the judgment of conviction dated 10.02.2004 and order of sentence dated 16.02.2004 passed by the Court of Chief Judicial Magistrate, Rewari, whereby, the petitioner was convicted for the commission of offences punishable under Sections 279 and 304 A of IPC and was sentenced as under:-

Under Section 279 IPC	RI for six months and to pay a fine of Rs.1,000/- and in default of payment of fine, he shall further undergo RI for 10 days.
Under Section 304-A IPC	RI for one year and to pay a fine of Rs.2,000/- and in default of payment of fine, he shall further undergo RI for 20 days.

2. The brief facts of the case are that the FIR in the present case was registered on the basis of the statement made by Daya Ram, complainant, who



was resident of village Khandora. He was working in Public Health Department Mohanpur. On 27.12.1998, at about 12.00 p.m., he was present in the Panchayat land by the side of the road about 150 yards towards Rewari from the water supply scheme. In the meanwhile, a Kinetic Honda scooter bearing registration No. HR-36-B/8290 followed them. The truck was driven at a very high speed and in a rash and negligent manner. It had hit the scooter at its back. The person sitting on the pillion of the scooter fell away while the scooter driver came under the truck. The truck was stopped at a distance of 40 yards. Daya Ram went to the scooter driver and found him to have breathed his last. The person traveling on the pillion of the scooter went away to inform the family members of the deceased. The driver of the truck, whose name was found to be Rajesh, had abandoned his truck at the spot and succeeded in running away. Daya Ram made a statement regarding the accident to Kanwar Singh, Head Constable, who was present in village Mohanpur. Kanwar Singh, HC made his endorsement on the statement of Daya Ram and had sent the same to police Station Bawal, where the case was registered for an offence punishable under Sections 279, 304-A IPC. Kanwar Singh, Head Constable then went to the spot and inspected the same and got the same photographed. He had prepared rough site plan of the same. He had thereafter conducted the inquest proceedings on the death of Ghanshyam Dass. He had sent the dead body for post-mortem examination. He had recorded the statements of the various witnesses. The petitioner was arrested on 29.12.1998. The truck, that was recovered from the spot, was got mechanically examined. He had obtained the photographs from the photographer on 14.02.1999 and recorded his statement. The scooter was also taken into possession. He also took into possession the driving licence of



Rajesh, petitioner and registration certificate of the truck in question. On completion of the investigation, challan against the petitioner was prepared by Prem Singh, SI/SHO.

3. After presentation of the challan, the trial Court found that a *prima facie* case under Sections 279, 304-A IPC was made out against the petitioner and he was charge-sheeted, accordingly. However, he stated that he was innocent and was falsely involved and claimed to be tried by the trial Court.

4. During the course of trial, the prosecution examined 10 witnesses. The prosecution examined Krishan Kumar as PW-1, Sunil as PW-2, Puran Chand as PW-3, who proved the photographs (Ex. PW-3/1 to Ex. PW-3/10) and negatives (Ex. PW-11 to Ex. PW-3/11). Dr. Ashok Kumar as PW-4 conducted the PMR of Ganshyam Das and proved the PMR (Ex. PW4/A), Ashok Kumar as PW-5, Daya Ram as PW-6, application (Ex. PW6/A), Ishwar Singh as PW-7 and report (Ex. PW7/1), Surender Singh, ASI as PW-8 and he proved the formal FIR (Ex. PW-8/A), Ram Kumar as PW9 and proved the receipt (Ex. PW-9/A), Kanwar Singh as PW-10 and he proved the endorsement (Ex. PW-10/A), site plan (Ex. PW-10/B) and application (Ex. PW-10/C) and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C., however, he stated that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while



awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution case was based primarily on the basis of the testimonies of PW-1, Krishan Kumar and PW-5, Ashok Kumar. In fact, PW-5, Ashok Kumar had seen the occurrence and was duly identified by him. The statement of PW-5, Ashok Kumar was duly corroborated by PW-1, Krishan Kumar. Both the witnesses were subjected to lengthy cross examination, however, no material could be elicited from their statements. Even the statement of PW-6, Daya Ram also proved the presence of truck and he had stated that the deceased was lying there. Still further, PW-7, HC Ishwar Singh had mechanically examined the truck bearing No. HR-46-3890 and had proved his report (Ex.PW-7/A). Similarly, PW-3, Puran Chand proved the photographs of the scooter and the truck as Ex.PW3/1 to Ex.PW3/10) and negatives as Ex.PW1/11 to Ex.PW3/15 of the truck. Still further, PW-8, ASI Surender Singh proved the FIR (Ex.PW8/A) and report under Section 173 Cr.P.C. The prosecution further examined PW4, Dr. Ashok Kumar, who had conducted the post-mortem examination of the dead body of Ghansham Dass and proved his post-mortem report as Ex.PW4/A. According to his opinion, the cause of death was shock and haemorrhage due to injury of vital organs. All the injuries were



anti mortem in nature and sufficient to cause death in ordinary course of nature. PW-10, Kanwar Singh, ASI had investigated the case and had recorded the statements of the witnesses and prepared site plan and also made an application for post-mortem examination over the dead body.

10. From the statements of all the prosecution witnesses, it was apparent that the identity of the truck driver was not in dispute and the petitioner was driving the said truck. Still further, the prosecution has been able to prove the offence under Sections 279, 304-A of IPC against the petitioner. Even otherwise, I have carefully gone through the judgments passed by the trial Court as well as the Appellate Court and find no grounds to interfere with the same.

11. Now, advertent to the order on quantum of sentence, the petitioner is facing the agony of trial/appeal/revision, since 27.12.1998 i.e. for the last about 27 years. Even the petitioner is the first offender and was never involved in any other criminal activity. Moreover, the sentence imposed on the petitioner was suspended by this Court on 16.07.2007 and in the last more than 19 years, he had not committed any other offence. Apart from that, it is also apparent from the record that the petitioner is a disabled person. In fact, he had suffered brain stroke in June, 2022 on his left lower and upper limb of the body and is confined to bed, since then. Thus, keeping in view the mitigating circumstances of the present case, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.



12. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.
13. Pending applications, if any, stand disposed of, accordingly.

23.03.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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