

2026.PHHC:054820



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

212

CRR 1190 of 2008

Date of Decision: 08.04.2026

Dalip Singh

...Petitioner (s)

Vs.

State of U.T., Chandigarh

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Rajiv Vij, APP, U.T., Chandigarh.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 13.06.2008 passed by the Court of Additional Sessions Judge, Chandigarh and the judgement of conviction and order of sentence dated 04.03.2003 passed by the Chief Judicial Magistrate, Chandigarh, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for a period of 03 months and to pay a fine of Rs.500/- for the offence under Section 279 of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for one month. He was further sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs. 1000/- for the offence under Section 304-A

of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for a period of two months.

2. Brief facts of the prosecution case are that on 04.08.1998, Constable Naresh Kumar, complainant was on traffic duty alongwith fellow police officials on the turn of Sectors 16 and 17, Chandigarh from 08.30 a.m. at about 08.45 a.m. when he gave signal to stop the traffic from Sectors 9 and 10 and 16 and 17 chowk, then a Hindu gentleman came on Hero Puch, who was wearing helmet, from the side of Sector 16 and turned towards his right side, then he saw one Tata Sumo of white colour coming from the side of Chowk of Sectors 9, 10, 16 and 17 being driven at a high speed and in a rash and negligent manner and also without caring for the signal. The said TATA Sumo bearing registration No. CH-01-W-7154 struck against the Hero Puch No. CH-01-R-2115. Due to the impact, the driver of the Hero Puch fell down and told his name as B.S. Rawat and the blood was oozing from his head. HC Sukhdev Singh stopped the offending TATA Sumo on asking the driver of TATA sumo told his name as Dalip Singh. Thereafter, the injured was removed to General Hospital, Sector 16, Chandigarh, who succumbed to his injuries there. The accused was arrested and the vehicles involved in the accident were taken into police possession. Site of the place of the accident was prepared. The place of incident was got photographed. After completion of necessary investigation and other formalities, *challan* against the appellant was presented in learned trial Court.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 279 and 304-A IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 C. Naresh Kumar, complainant, PW2 Jagdish Singh and PW3 HC Sukhdev Singh, eye witnesses, PW4 Vimal Kumar, PW5 SI Subhash Mehta, PW6 Rajnish, PW7 Prem Chand, PW8 Constable Sanjeev Kumar, PW9 Constable Sanjiv Kumar, PW10 SI Ram Singh, PW11 MHC Ashok Tuli, PW12 Dr. Surinder Singh and PW13 SI Janak Singh and, thereafter, the prosecution evidence was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner the trial Court, however, some leniency may be shown while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgement of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the 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 examined Constable Naresh Kumar as PW1, who had witnessed the occurrence in the present case. He reiterated his statement Exhibit PW1/A and fully supported the case of the prosecution. PW3 HC Sukhdev Singh was another eye witness of the occurrence, who was also posted as the traffic staff. He along with PW1 Constable Naresh Kumar had witnessed the occurrence and both the witnesses had supported the prosecution story. PW1 Constable Naresh Kumar and PW3 HC Sukhdev Singh categorically stated that the petitioner was found driving the Tata Sumo on a public road in a rash and a negligent manner and was driving the vehicle at a very high speed. The testimonies of both the witnesses were found to be correct. PW13 SI Janak Singh, the Investigating Officer of the present case proved the investigation in the present case. Still further, the prosecution also examined PW2 Jagdish Singh, owner of Tata Sumo, who clearly stated that the petitioner was driving a Tata Sumo vehicle and had caused the accident in question. Moreover, PW8 Sanjeev Kumar proved the photographs Ex.PW7/A to Ex.PW7/F and negatives Ex.P1 to Ex.P6 of the place of occurrence. Still further, PW5 Subhash Mehta from traffic police had exhibited the mechanical examination report of the offending vehicle as well the vehicle of the deceased. Still further, the prosecution examined PW7 Prem Chand, Clerk, DC Office, Chandigarh, who proved that the Hero Punch was in the name of B.S. Rawat and proved his report. From the statements of the aforesaid witnesses, it was amply proved on record that the petitioner was driving the offending Tata Sumo vehicle in a rash and negligent manner and had

caused the accident of B.S. Rawat, who died due to the injuries suffered by him in the accident in question. Even the testimonies of all the witnesses were duly corroborated by the medical evidence and it was proved beyond doubt that the death was caused due to the injuries caused in the accident in question. Even otherwise, I have gone through the judgments passed by both the Courts and find that the petitioner has been rightly convicted for the offences punishable under Sections 279 and 304-A IPC.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 04.08.1998, i.e., for the last more than 27 years. Even, the sentence imposed on the petitioner was suspended by this Court on 18.09.2008 and in the last more than 27 years, he has maintained good conduct. Even otherwise, he is the first time offender and has already undergone more than 03 months of actual custody out of total sentence of 01 year. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him. However, the amount of fine is ordered to be increased to Rs. 1 lakh, which shall be deposited by him with the concerned Court of Chief Judicial Magistrate within a period of two months from today.

11. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 13.06.2008 passed by the Court of Additional Sessions Judge, Chandigarh and the judgement of conviction and order of sentence dated 04.03.2003 passed by the

Chief Judicial Magistrate Chandigarh, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine is ordered to be increased to Rs. 1 lakh, which shall be deposited by him with the concerned Court of Chief Judicial Magistrate within a period of two months from today. In case the petitioner does not deposit the amount of fine of Rs. 1 lakh within a period of two months from today, the present petition shall be deemed to be dismissed by this Court. The amount of fine of Rs. 1 lakh shall be disbursed by the concerned CJM to the legal representatives of B.S.Rawat, deceased, in the present case against receipt and after proper identification.

12. Pending applications, if any, stand also disposed of, accordingly.

08.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No