

2026.PHHC.076198



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

211

CRR 1766 of 2010

Date of Decision: 11.05.2026

Seo Ram

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana

Mr. Rohit Singh, Advocate for
Mr. Aman Godara, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement of conviction dated 01.06.2010 passed by Sessions Judge, Ambala and the judgement of conviction dated 01.04.2009 and order of sentence dated 02.04.2009 passed by the Court of Chief Judicial Magistrate, Ambala, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 304-A of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.3000/- under Section 304-A alongwith default stipulation.

2. Briefly prosecution case is that on 10.01.2000 a police party headed by ASI Jagtar Singh was present near Sugar Mill, Banoudi.

Krishan Lal s/o Molu Ram @ Madan Lal r/o village Labani PS Chapar lodged a written complaint with ASI Jagtar Singh. It was stated by the complainant that he alongwith his younger brother Devi Dayal own a tractor make Massi 035 bearing registration No.HR-02D-3638. On 09.01.2000 he parked his tractor trolley loaded with sugarcane in the premises of sugar mill, Naraingarh. The tractor was driven by his brother Devi Dayal. At about 02.55 p.m., they reached the mill premises. The Chowkidar got parked their tractor trolley in the cane yard of the mill. Their tractor was allotted serial No.162. Another tractor trolley loaded with sugarcane bearing serial No.163 was parked behind their tractor trolley. At about 08.00 p.m. he alongwith his brother Devi Dayal went to sleep under their trolley. The driver of the tractor trolley parked on the back of their tractor trolley started his tractor and tried to take his tractor trolley in front of their tractor trolley. However, he could not do so for want of sufficient space. He left his own tractor and started the tractor owned by them. As the tractor started, he immediately came out from under the trolley. He raised hue and cry. His brother Devi Dayal was crushed under the tyre of the trolley. The accused offered to bring his own tractor so far as to take his brother Devi Dayal to the hospital but he did not turn up and fled away from the spot. Injured Devi Dayal was taken to the hospital but he died on the way and was declared brought dead by the doctor. He further stated that his brother Devi Dayal died due to negligent driving of tractor trolley No.HR-02D-3638 by the accused. He thus prayed for taking action against the accused.

After completion of investigation, challan was present in court for trial of the accused.

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

4. In order to prove its case, prosecution examined PW1 Krishan Lal, PW2 Mohinder Singh, PW3 Ramesh Kumar, PW3 (repeated) Dr. A.K. Gupta, PW4 HC Daya Kishan and PW5 Inspector Surjeet Kumar. Thereafter, evidence of the prosecution 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 by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements 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 PW1 Krishan Lal, who fully supported the case of the prosecution and proved his complaint Ex. PA lodged by him initially with the police. PW2 Mohinder Singh also identified the petitioner before the Court and stated that he had caused the accident in the present case. PW3 Ramesh Kumar also supported the case of the prosecution in totality. PW3-A Dr. A.K. Gupta stated that on 10.01.2000 he conducted the postmortem on the body of Devi Dayal s/o Madan Lal. He proved the post mortem report as Ex.PB. He stated that the cause of death of deceased was shock and haemorrhage due to injury which was anti mortem in nature and sufficient to cause death in the normal course of life. PW4 HC Daya Krishan proved the FIR Ex.PA which was registered by him on receipt of ruqa Ex.PA. He also proved his endorsement Ex.PA. PW5 Inspector Surjeet Kumar stated that he prepared the challan after completion of investigation. From the aforesaid statements of the prosecution witnesses, it was apparent that the petitioner had driven the offending tractor-trolley rashly and negligently and had caused the death of Devi Dayal. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and appellate Court find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgments of conviction are ordered to be upheld.

10. Now, adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 01.01.2000, i.e., for the last more than 26 years. Still further, as per the custody certificate, he has undergone more than one

month out of total sentence of 1 year. Even his sentence was suspended by this Court on 19.07.2010 and in the last more than 15 years, he had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. Keeping in view the aforesaid mitigating circumstances as well as the law laid down by the Hon'ble Supreme Court in *Mallappa Hanumantappa Talawar v. State of Karnataka, (Criminal Appeal No.1606 of 2025, decided on 01.04.2025)*; *Palwinder Singh v. State of Punjab, (Crl. Appeal No.2827 of 2025, decided on 23.05.2025)*; *Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025)* and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467*, the present revision petition is partly allowed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.1,50,000/-, which shall be deposited by the petitioner as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the legal heirs of Devi Daya, since deceased, in the present case, after proper verification and against receipt. In case the petitioner fails to deposit the amount of fine within a period of two months from today, the present petition shall stand dismissed automatically.

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

11.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No