



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-228-2010 (O&M)
Date of Decision:21.04.2026

Gulshan Lal ...Petitioner

vs.

State of U.T, Chandigarh ...Respondent

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

Present : Mr. Gautam Dutt, Senior Advocate with
Mr. Yajur Mago, Advocate
for the petitioner.

Mr. Kanwarpal Singh, Addl. Public Prosecutor,
U.T., Chandigarh.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 21.01.2010 passed by the Court of Additional Sessions Judge, Chandigarh and the judgment of conviction and order of sentence dated 09.01.2004, passed by the Court of Judicial Magistrate 1st Class, Chandigarh, whereby, the petitioner was convicted for the commission of offences punishable under Sections 279/304-A of IPC and was sentenced as under:-

Under Section	RI
279 of IPC	To undergo RI for a period of six months and to pay a fine of Rs.500/- and in default of payment of fine, further undergo RI for 15 days.
304-A of IPC	To undergo RI for a period of one year and to pay a fine of Rs.1,000/- and in default of payment of fine, further undergo RI for 01 month.



2. The brief facts of the case are that on 01.01.1998, a wireless message was received from control room, Chandigarh regarding the accident, ASI Gurbin Singh along with fellow police officials reached the spot, where Luman, Ahmad met him and got recorded his statement to the effect that he is doing the work of white washing in the houses and on 1.1.1998, at about 11.45 a.m. he was playing with his children in front of his house and a young boy whose name he later on came to know as Manoj Kumar came down from the rickshaw and when he was just standing near the rickshaw, a maruti car came from the side of Cremation ground chowk, Sector 25, Chandigarh at a very high speed and driven in a rash and negligent manner and hit him, as a result of which, he fell down on the road and received serious injuries. He chased the maruti car No. CH-01-P-7510 and caught hold the driver of the car, who disclosed his name as Gulshan Lal. The accident was caused by to rash and negligent driving of the appellant-accused. Manoj Kumar injured died at the spot. ASI Gurbin Singh made his endorsement on the statement of the complainant and sent a ruqa to the Police Station, on the basis of which a formal FIR was registered against the appellant-accused. The appellant-accused was arrested. Rough site plan of the place of accident was prepared. The car along with its documents was taken into possession. The post mortem of the dead body of Manoj was got conducted. Statements of the witnesses were recorded. 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 presentation of challan, the petitioner was chargesheeted for the commission of offences punishable under Sections 279 and 304-A of IPC . However, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Lukman Ahamd, Complainant, PW-2 Narai Ram, PW-3 ASI Gurbin Singh, IO, PW-4 HC Jaspal Singh, PW-5 Balwinder Singh and PW-6 Krishan Chand and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. In his defence, the petitioner examined Ms. Poonam Bhalla as DW-1 and Harvinder Kumar as DW-2 and thereafter, closed his defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments 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 examined the entire case on merits in the light of the evidence led by the prosecution.

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 petitioner had admitted under Section 313 Cr.P.C. that Manoj Kumar, deceased, had died due to a car accident. However, he stated that the procession of 20 cars were going on at a very slow speed to attend the funeral of mother of Ashwani Kumar, however, on the way, the accident was caused by the present petitioner. Even, the prosecution witnesses had categorically shown that the deceased had died due to the fact that the petitioner had hit him by driving the offending vehicle at a very fast speed in a rash and negligent manner. Still further, the prosecution examined PW3, Gurbin Singh, IO of the case and he found the presence of the petitioner at the spot and he had committed the offence. Thus, there was sufficient evidence to prove the offence punishable under Sections 279 and 304-A of IPC against the present petitioner. Even otherwise, I have carefully perused the judgments of convictions passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

10. Now, advertent to the order on quantum of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 01.01.1998 and the petitioner is facing agony of trial/appeal/revision for the last more than 28 years. Even the petitioner has already undergone 01 month and 04 days of actual custody, out of total sentence of one year. Moreover, the sentence imposed on the petitioner was suspended on 23.02.2010 and since then, the petitioner had maintained good conduct. Consequently, keeping in view the mitigating circumstances, the sentence imposed on the present petitioner is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs.2,00,000/- in the present case, which shall be



deposited by the petitioner with the concerned Chief Judicial Magistrate, within a period of 02 months from the date of receipt of certified copy of this case and the same shall be paid to the legal representatives of the deceased in the present case, against receipt and proper identification.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgments of convictions are upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him. In case, the fine amount is not deposited within a period of two months from the date of receipt of certified copy of this order, the present petition shall be deemed to be dismissed.

12. All pending applications, if any, are also disposed of, accordingly.

13. Case property, if any, may be dealt with as per rules.

14. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

21.04.2026
hemlata

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