

2026.PHHC:069138



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

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CRR 1196 of 2011

Date of Decision: 04.05.2026

Ramesh Chand

...Petitioner (s)

Vs.

U.T. of Chandigarh

...Respondent(s)

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

Present : Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Shubham Mangla, Addl. Public Prosecutor
for U.T. Chandigarh.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 13.05.2011 passed by the Court of Additional Sessions Judge, Chandigarh, and the judgement of conviction and order of sentence dated 29.08.2007 passed by the Court of Judicial Magistrate 1st Class, Chandigarh, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 279 and 304-A IPC and was sentenced to pay a fine of Rs. 500/- under Section 279 IPC alongwith default stipulation. The petitioner was further sentenced to under rigorous imprisonment for a period of six months under Section 304-A IPC.
2. Prosecution case, in brief, is that on 10.08.2002, on receipt of telephonic message regarding an accident which took place near AKM Brick Kiln, Assistant Sub Inspector Gurmeet Singh along with

fellow police officials reached there where he met complainant Abid, who got recorded his statement to the effect that he alongwith his sons namely Sabir, Sakir and Nasir were working as labourers at the brick kiln under the name and style of AKM Bhatta, Raipur Kalan, Chandigarh. During the evening hours they used to do load the briks. At about 08:35 p.m., truck bearing No. HR-37-A-1957 had arrived at brick kiln for loading of bricks and as usual he alongwith his sons namely Sakir and Nasir had loaded bricks on the said truck. After loading the bricks complainant had asked the truck driver to give them lift up to the main office of AKM Bhatta. Even though complainant and his son Nasir had boarded the truck, but during the process of boarding of truck by Sakir, truck driver instead of stopping the vehicle drove the truck in the manner that Sakir was run over by the speeding truck. On raising hue and cry by complainant as Sakir had met with an accident by the speeding truck, driver of truck had stopped the vehicle. Thereafter, complainant and his son Nasir had got down from the truck and found that Sakir had died on account of injuries suffered in the accident. Accident had taken place due to rash and negligent driving of the above said truck by accused-petitioner Ramesh Chand and, thus, on these allegations as narrated by complainant in his statement (Ex.PA), FIR (Ex.PW-10/C) of instant case was registered. Necessary investigation was conducted. Photographs Ex.PW-9/A to Ex.PW-9/C of place of occurrence were taken. Vehicle (truck) involved in the accident was taken into possession vide recovery memo Ex.PW-10/H and, thereafter, above said vehicle was got mechanically examined vide mechanical

examination report Ex.PW-4/A, in terms of which there was no defect in the driving mechanism of said truck. Rough site plan Ex.PW-10/F of place of occurrence was prepared. Inquest report Ex.PW-10/E of deceased Sakir was prepared and, thereafter, in terms of post-mortem report Ex.PA, post mortem examination on the body of deceased was got conducted at General Hospital, Sector 16, Chandigarh, in terms of which it was opined by doctor that cause of death was shock and haemorrhage because of injuries to vital organs which is sufficient to cause death in ordinary course of nature. Certificate of registration of truck No. HR-37-A-1957 and driving license of Ramesh Chand were taken into possession by police. Statements of witnesses were recorded. Accused was arrested on 12.08.2002 and his personal search memo Ex.PC was prepared. After completion of investigation, *challan* was prepared against accused in the 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 PW-1 Dr. Sukhdev Singh, PW-2 Head Constable Somvir Singh, PW-3 Abid (Complainant), PW-4 Head Constable Shiv Kumar, PW-5 Head Constable Anil Kumar, PW-6 Shamsher Singh, Assistant, PW-7 Head Constable Ashok Kumar, PW-8 Surinder Singh, Assistant PW-9 Constable Vinod Kumar, Photographer, PW-10 Assistant Sub Inspector Gurmeet Singh, Investigating Officer and PW-11 Rajinder Singh Negi. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statements 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. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner and relied upon the case laws in the matters of *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. A. No. 2827 of 2025, decided on 23.05.2025)*; *Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. A. No. 3009 of 2025, decided on 15.07.2025)* and *Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467*.

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, In the present case, the prosecution case was primarily based on the testimony of PW3 Abid, complainant, who categorically stated that the petitioner was the driver of the offending truck and had started reversing the truck rashly and negligently, due to which, his son, Sakir, fell down and come under the left back tyre of the truck. PW3 Abid, complainant was searchingly

cross-examined, but his testimony could not be shaken in any manner. Still further PW1 Dr. Sukhdev Singh had proved the post-mortem report, Ex. PA. PW4 HC Shiv Kumar mechanically tested the vehicle and proved his report Ex. PW4/A. PW5 HC Anil Kumar proved the releasing of the truck on superdari. PW6 Shamsheer Singh brought the record from the SDM office and proved the driving license of the truck driver. PW9 Constable Vinod Kumar was a photographer, who had taken the photographs of the dead body and proved the photographs Ex. PW9/A to Ex. PW9/C and negatives Ex. PW9/D to Ex. PW9/F. PW10 ASI Gurmeet Singh and PW11 Rajinder Singh, proved all the documents prepared by them being the IO of the present case. Even from the evidence, it was evident that the petitioner had caused the death of son of the complainant while driving the truck in question rashly and negligently. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

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 10.08.2002, i.e., for the last more than 25 years. The sentence imposed on the petitioner was suspended by this Court on 21.07.2011 and in the last more than 14 years, he has maintained good conduct and have not misused the concession of suspension of sentence in any manner. The petitioner at present is aged about 60 years and was never involved in any other case. Consequently, keeping in view the

aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs.25,000/-, which shall be deposited by the petitioner in the trial Court and 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 revision is partly allowed and the impugned judgement dated 13.05.2011 passed by the Court of Additional Sessions Judge, Chandigarh, and the judgement of conviction and order of sentence dated 29.08.2007 passed by the Court of Judicial Magistrate 1st Class, Chandigarh, 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 six weeks from today, the present petition shall be deemed to be dismissed.

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

04.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No