



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1375-2011
Date of Decision:10.04.2026

Des Raj ...Petitioner
Vs.
State of Haryana ...Respondent

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

Present: Ms.Divya Godara, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 08.04.2011, passed by the Court of Additional Sessions Judge, Hisar, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction dated 14.12.2009 and order of sentence dated 15.12.2009, passed by the Court of Judicial Magistrate Ist Class, Hisar, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 279,337,338,304-A of IPC and was sentenced as under:-

Under Section 279 of IPC	R.I for a period of three months and to pay a fine of Rs.100/-. In default of payment of fine, he would undergo further S.I for 07 days.
Under Section 337 of IPC	R.I for a period of three months and to pay a fine of Rs.200/-. In default of payment of fine, he would undergo further S.I for 15 days.
Under Section 338 of IPC	R.I for a period of six months and to pay a fine of Rs.200/-. In default of payment of fine, he would undergo further S.I for 15 days.



Under Section 304-A of IPC	R.I for a period of one year and to pay a fine of Rs.500/-. In default of payment of fine, he would undergo further S.I for one month.
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2. The Brief facts of the prosecution case are that the instant case was registered on the statement of Manoj Kumar made to ASI Satbir Singh, who alleged therein that on 26.11.2003 at 10.30 P.M., he along with Kabir Singh was returning from Barwala on a scooter being driven by Kabir. When they covered a distance of about 3 Km towards Jind, a truck bearing registration No. RJ-13G-4611 being driven by its driver in a rash and negligent manner came from the front side and hit their scooter, as a result of which they sustained multiple injuries and Kabir succumbed to his injuries at the spot. The truck was being driven by Desh Raj son of Sahib Ram resident of village Begu, who fled away form the place of accident after causing the accident. The complainant was shifted to the hospital. The postmortem on the dead body of Kabir was got conducted.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 279,337,338 and 304-A of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 07 witnesses. PW-1 EHC Rajbir Singh, PW-2 Manoj Kumar, PW-3 Constable Amreek Singh, PW-4 Dr. Ramesh Kumar, PW-5 Raj Kumar, PW-6 H.C Satbir Singh and PW-7 Dr. Gopal Bhardwaj.

5. After the closure of the prosecution evidence, the statement of



petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded 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 appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to 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. In the present case, the prosecution case is primarily based on the testimony of PW-2 Manoj Kumar, who was an injured witness in the present case. He reiterated the prosecution version and also proved his complaint Ex.PW-2/A. He stated that the driver of the offending truck disclosed his name himself to him. The prosecution further examined PW-1, EHC Rajbir Singh, who proved recovery memo Ex.P-1, vide which the driving license of the petitioner was taken into possession by the police. Still further, PW-3, Constable Amrik Singh had mechanically examined the offending truck and the scooter and proved his reports as Ex.PW-3/A and Ex.PW-4/A, respectively. PW-4 Dr. Ramesh Kumar had examined Manoj Kumar, injured on 27.11.2003 and proved his MLR Ex.PW-4/A, medical ruqa as Ex.PW-4/B and fitness opinion as Ex.PW-4/C. PW-5 Raj Kumar, Photographer proved the photographs as Ex.P-1 to Ex.P-6 of the scene of the accident and its negatives as Ex.P-7 to Ex.P-12. The prosecution further examined H.C Satbir Singh, who is the I.O of the present case. He repeated the prosecution version and proved medical ruqa



as Ex. PW4/B, MLR of Manoj as Ex.PW4/A, statement of injured as Ex.PW2/A, his endorsement thereon as Ex.PW6/A, FIR AS Ex. PW6/B, site plan of the place of accident as Ex.PW6/C, recovery memo Ex.PW6/D vide the vehicles involved in the accident were taken into police possession and application Ex.PW6/E for conducting post mortem on the dead body of deceased Kabir moved before the Medical Officer. He further proved the recovery memo Ex.P1 vide which the driving licence of accused was taken into police possession. PW-7 is Dr. Gopal Bhardwaj, who had conducted the post mortem examination on the dead body of deceased Kabir on 27.11.2003 and proved his PMR as Ex.PW7/A.

8. From the above referred prosecution evidence, a clear case for commission of the offences punishable under Sections 279,337,338,307, 304-A of IPC is made out against the present petitioner. In fact, he was driving the vehicle in rashly and negligently manner and had caused injuries to PW-2 Manoj Kumar also. Consequently, the Trial Court as well as the Appellate Court had rightly convicted the petitioner for commission of the offences punishable under Sections 279,337,338,307, 304-A of IPC and the impugned judgments of conviction are ordered to be upheld. Even otherwise, learned counsel for the petitioner could not point any irregularity and illegality in the impugned judgments passed by both the Courts.

9. Now, advertng to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 27.11.2003 i.e. for the last 23 years and is the first offender. Moreover, at present, he is aged about 52 years and is the sole bread earner of the family, Still further, the sentence imposed on the petitioner was ordered to



be suspended by this Court on 25.08.2011 and has never misused the concession of bail. Moreover, he has already undergone more than 04 months and 22 days of custody out of total sentence of one year. Consequently, the sentence imposed on petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him is enhanced to Rs.50,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of eight weeks from the date of receipt of certified copy of this order.

10. The concerned Chief Judicial Magistrate shall disburse the said amount to the legal representatives of Kabir, deceased in the present case, after proper receipt and identification.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are 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 is enhanced to Rs.50,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of eight weeks from the date of receipt of certified copy of this order.

12. In case, the enhanced amount of fine Rs.50,000/- is not deposited by him as ordered, the present revision petition shall be deemed to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

10.04.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No