



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

202

CRR No.961 of 2010 (O&M)

Date of Decision:11.02.2026

Om Parkash

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sharad Kumar Yadav, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 279 and 304-A of the Indian Penal Code, the FIR No.81 dated 09.04.2001 was lodged in Police Station Bilaspur District Gurgaon. Once the FIR was lodged, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the petitioner was sent to the Court of learned Judicial Magistrate Ist Class, Gurgaon, hereinafter being referred to as 'trial Court' only, to face trial for the abovementioned offence.

2. The petitioner participated in the abovementioned trial, which by virtue of judgment dated 27.04.2009 culminated into his conviction. Thus, by virtue of order of quantum of sentence dated 28.04.2009, the petitioner was awarded the following sentence:-



Sr. No.	Under Section	Imprisonment
1.	304-A of IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.5000/- in default of payment of fine he shall undergo simple imprisonment for 15 days.

3. Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioner preferred an appeal in the Court of Sessions. The abovementioned appeal has been decided by the Court of learned Additional Sessions Judge, Gurgaon, hereinafter being referred to as 'Appellate Court'. The appeal, preferred by the petitioner, was dismissed by the learned Appellate Court, vide order dated 16.03.2010.

4. Feeling aggrieved of the judgment of conviction dated 27.04.2009 and order of sentence dated 28.04.2009, passed by the learned trial Court, and the judgment dated 16.03.2010, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioner.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Rajender Singh', who stated that on 09.04.2001 at around 11.00 A.M. a canter being driven in a rash and negligent manner hit a pedestrian namely 'Rishipal', who was crossing the road. According to complainant, the incident was witnessed by him and one 'Dharam Singh'. The name of driver, later on identified as 'Om Parkash', who got admitted the injured 'Rishipal' to Raman Munjal Hospital where, subsequently, he succumbed to injuries.

6. It is the case of the prosecution that in view of abovementioned complaint formal FIR in this case was lodged, and the investigation taken up.



As per prosecution during the course of investigation, when all the necessary formalities were complete and the entire evidence stood collected, the final report under Section 173 of Cr.P.C. was filed before the Court.

7. Heard.

8. It has been contended on behalf of petitioner that the impugned judgment of conviction and order of sentence deserve to be set aside being an outcome of non-application of judicial mind. According to learned counsel for the petitioner, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate the fact that the necessary ingredients meant for the commission of offence under Section 304-A of IPC were not established by the prosecution as per the standard required under the law.

9. As per learned counsel for the petitioner, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioner guilty, and that despite the fact that deficiencies in prosecution case were pointed out, the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court and the appeal has been dismissed.

10. During the course of arguments, the learned counsel for the petitioner has also contended that in the instant revision petition, the petitioner is not inclined to challenge the findings of conviction recorded by the learned trial Court, duly affirmed by the learned Appellate Court. The learned counsel for the petitioner has categorically contended that at this stage, by virtue of present petition, the petitioner is only challenging the order on the quantum of sentence.



11. It has been further contended by learned counsel for the petitioner that the incident had taken place way back in the year 2001, and that on completion of trial, when the petitioner was convicted, he preferred an appeal before the learned Appellate Court, which was decided in the year 2010, and thereafter, the present revision petition has been filed. According to learned counsel for the petitioner, the petitioner is facing the agony of litigation for the last 25 years and has, in fact, already suffered punishment. It has been submitted on behalf of petitioner that the offence in question was the first offence committed by the petitioner, and that even after the offence related to present revision petition, the petitioner has not been prosecuted for any other offence.

12. In addition to above, the learned counsel for the petitioner has also argued that in the present case, the petitioner has already served a sentence for a period of 02 months and 8 days, and that by treating the above-discussed factors, the sentence already undergone by the petitioner may be treated to be sufficient.

13. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Section 304-A of IPC. According to learned State Counsel, the sentence awarded to the petitioner, i.e. imprisonment for a period of one year, is already on lower side, and that the petitioner is not entitled for a sentence of imprisonment for a period of less than one year. As per learned State Counsel, the instant revision petition has no merit and deserves dismissal.

14. The record has been perused carefully.



15. Once it is a categorical stand of the petitioner that he is not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court, with regard to conviction of petitioner under Section 304A IPC. Accordingly, the abovementioned finding is hereby affirmed.

16. As far as the order on quantum of sentence is concerned, in view of the fact that the petitioner is a first time offender, and that after the present prosecution, he has not been prosecuted by the police for any other case, it is hereby held that the petitioner is entitled for a lenient view, and that the sentence awarded to the petitioner, i.e. imprisonment for a period of 01 year, is harsh. Thus, it is hereby held that with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

17. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration:-

- (a) that the accident in question had taken place about 25 years ago;
- (b) that the petitioner is facing the agony of protracted trial for the last 25 years; and
- (c) that there is nothing on record to show that the petitioner has been involved in any other criminal case.



18. As a cumulative effect of abovementioned observations, it is hereby held that in the present case the petitioner is entitled for a lenient view, and that the sentence, which he has already undergone in the present case, i.e. 02 months and 8 days, is adequate to meet the ends of justice.

19. As a sequel to the aforesaid discussions, the present revision petition is hereby partly allowed. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him. The present revision petition stands partly allowed, accordingly.

20. Pending miscellaneous application(s), if any, stand(s) disposed of.

(SURYA PARTAP SINGH)
JUDGE

11.02.2026
Manoj Bhutani

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