



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2586-2012 (O&M)
Date of Decision:09.04.2026

Manish Kumar Luthra ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Manish Dhankhar, Advocate with
Mr. Punit Malik, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 23.08.2012 passed by the Additional Sessions Judge, Amritsar, whereby the judgment of conviction and order of sentence dated 23.09.2011, passed by the Court of Additional Chief Judicial Magistrate, Amritsar was partly upheld, however, the quantum of sentence was modified and the petitioner was sentenced as under:-

Under Section	RI
279 of IPC	Six months
304-A of IPC	01 year

2. The brief facts of the case are that on 03.07.2004, ASI Baldev Singh along with other police sleuths was present outside the police post, in connection with routine duty, where the complainant Parkash Chand met the police party and got recorded his statement, on the allegations that on



03.07.2004, when he along with his brother Prabhu Lal, Satpal alias Pali and others, with their belongings were shifting to their village in a trolley owned by Bittu son of Ved Parkash and when they reached near Baba Tahli Shah Peer, Verka, driver of trolley, namely, Bittu stooped his trolley and parked it on one side of the road. They all alighted from the tractor trolley to quench their thirst. In the meantime, a Maruti car bearing No. PB 02-AK-3644 make Alto being driven at a high speed, struck against his brother Prabhu Lal, who came near to the trolley after taking water, and dragged him to a distance of about 20 karams and thereafter, dashed against the trees, due to which, his brother was seriously injured and it was about 2.30 p.m. many people started gathering at the spot and taking benefit of the same, the driver of the car managed to escape from the spot. This accident had been caused due to negligence of the driver as he was driving the offending vehicle at a high speed due to which, his brother got injuries. He, along with Satpal alias Pali and Bittu had witnessed the entire accident and shifted his brother to Guru Teg Bahadur Hospital, where he succumbed to his injuries. On the basis of the statement made by the complainant, the case was registered against the accused.

3. After completion of investigation, challan was presented before the Area Magistrate. The trial Court found that a *prima facie* case under Sections 279 and 304-A of IPC was made out against the petitioner and he was ordered to be charge-sheeted accordingly, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Parkash Chand as PW-1, ASI Baldev Singh as PW-2, Gulzar Singh as PW-3, HC Gurbachan



Singh as PW-4, Dr. Navpreet Kaur as PW-5, Pargat Singh as PW-6, HC Gurbax Singh as PW-7, Pala Ram as PW-8 and thereafter, the prosecution evidence 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. The petitioner did not produce any defence evidence before the trial Court.

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 prosecution had examined eight witnesses to prove its case against the petitioner. PW-1 Parkash Chand, complainant, supported his initial statement Ex.PA, on the basis of which, the present FIR was registered. The testimony of PW-1 Parkash Chand has been duly corroborated by Pala Ram, PW-8 in all material particulars. The prosecution



further examined PW-5, Dr. Navpreet Kaur, who had proved the post-mortem report Ex.W5/A. ASI Baldev Singh, I.O. of the present case appeared as PW-2 and proved on record the entire investigation in the present case. He also proved Ex. PW2/4, Ex. PW2/5 site plan, Ex. PW2 / 6 detailed report, Ex. PW2/7 recovery memo of offending vehicle, Ex. PW2/8 inquest report, Ex. PW2/9 receipt of dead body, Ex. PW7/A arrest memo, Ex.PW7/B personal search memo, Ex. PW7/C recovery memo of R.C, Ex. PW2/10 RC of Car, Ex. PW6/A driving licence, Ex.PW2/11 original insurance certificate, Ex. P1 to Ex. P4 photographs, Ex. P5 to Ex. P9 negatives, Ex. PW4/A test report of car No. PB02-AK-3644. The prosecution further examined PW-2, Gulzar Singh, who proved the photographs Ex.P-1 to Ex.P-5 and negatives Ex.P-6 to Ex.P-9. Pargat Singh appeared as PW-6 and proved the driving licence Ex.PW6/A. Even PW-7, HC Gurbax Singh appeared associated with the police officials and had submitted the story of the prosecution.

10. From the prosecution evidence on record, it is apparent that PW-1 Parkash Chand and PW-8, Pala Ram had identified the petitioner as a person, who was driving the offending vehicle at the relevant time. Still further, the offending vehicle was owned by the father of the petitioner and the same was recovered by the police from the place of occurrence. Thus, it is apparent that there was no illegality and perversity in the impugned judgments and the petitioner has been rightly convicted by both the Courts under Sections 279, 304-A of IPC.

10. Now adverting to the order on quantum of sentence, this Court has no hesitation to hold that the petitioner is facing of agony of



trial/appeal/revision since 03.07.2004 i.e. for the last more than 21 years. Even as per the custody certificate, the petitioner has already undergone 02 months and 28 days of actual custody, out of total sentence of one year. Moreover, the sentence imposed on the petitioner was suspended by this Court on 16.11.2012 and since then, he has maintained good conduct. Thus, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine as imposed upon the petitioner is Rs.1,00,000/-, which shall be deposited by him before the concerned Chief Judicial Magistrate, within a period of 02 months from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced fine is not deposited within the aforesaid period of two months as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically stand vacated and in that eventuality, the petitioner will have to undergo the actual sentence of 01 year apart from the sentence of default imposed by the concerned Court.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the sentence of fine as imposed upon the petitioner is Rs.1,00,000/-, which shall be deposited by him before the concerned Chief Judicial Magistrate, within a period of two months from the date of receipt of certified copy of this order. The amount of fine of Rs.1,00,000/- shall be paid by the Chief Judicial



Magistrate to the LR.s. of the deceased in the present case against receipt and proper identification of LR.s.

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

09.04.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No