

2026.PHHC.043085



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

225

CRR 689 of 2013

Date of Decision: 18.03.2026

Sunita

...Petitioner(s)

Vs.

UT of Chandigarh

...Respondent(s)

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

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. J.S. Salona, Advocate, for the petitioner.

Mr. Shubham Mangla, Addl. P.P., U.T., Chandigarh.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 18.02.2013 passed by the Court of Sessions Judge, Chandigarh and the impugned judgment and order dated 03.04.2007 passed by the Judicial Magistrate 1st Class, Chandigarh, whereby, the petitioner was ordered to be convicted for the commission of the offence punishable under Section 304-A IPC and he was sentenced to undergo rigorous imprisonment for 04 months and to pay a fine of Rs.500/-, alongwith default stipulation.

2. The brief story of the prosecution is that on 23.07.2002, child Yuvraj, aged about 9 months son of Shri Rajesh Sehgal, resident of House No. 1054/1, Sector 19-B, Chandigarh died in PGI, Chandigarh. On inquiry it was found that Yuvraj was left by his father Rajesh Sehgal with petitioner-accused Sunita, resident of House No. 1147, Sector 19-B,

Chandigarh who was doing the work of creche. At the time of leaving, the child was alright. After sudden deterioration in his health, he was admitted in the hospital where he died. In the postmortem report, the cause of death was reported as Oedema of brain consequent to injuries described on head. On 03.10.2012, Rajesh Sehgal, father of Yuvraj gave a complaint Ex.PW-1/A in the Police Station to take appropriate action against petitioner Sunita. Consequent upon the statement EX.PW-1/A made by Rajesh Sehgal son of A.K.Sehgal, the machinery of law was set into motion. ASI Shadi Lal took the investigation of this case in hand and made his endorsement Ex.PW-6/D, underneath the statement of Rajesh Sehgal, on the basis of which formal FIR EX.PW-6/E under Sections 304-A of the Indian Penal Code was registered. ASI Ranjit Singh visited the place of occurrence and prepared rough site plan EX.PW-6/F with correct marginal notes. Inquest proceedings EX.PW-6/A on the dead-body of Yuvraj were conducted on the identification of Rajesh Sehgal. Postmortem report Ex.PW-2/A was received from the doctor and dead body of deceased was handed over to the relatives vide receipt Ex.PW-1/D. Petitioner Sunita was arrested on 07.11.2002 by ASI Ranjit Singh after disclosing the grounds of arrest. During the course of investigation, the statements of witnesses under Section 313 Cr.P.C. were recorded. After completion of all other necessary formalities of the investigation, the *challan* against the above named accused was presented in the Court of learned Illaqa Magistrate.

3. After the presentation of *challan*, the trial Court found that a *prima-facie* case under Sections 304-A of IPC is made out against the

present petitioner, and he was chargesheeted accordingly. He pleaded not guilty and claimed trial.

4. In order to prove the case, the prosecution examined Rajesh Sehgal, complainant, as PW-1. Dr. Joginder Bansal, Assistant Professor, as PW-2, Jaswinder Kaur Lady Constable as PW-3, Ms. Anita Daryal as PW-4, HC Rajbir Singh as PW-5, ASI Ranjit Singh, Investigating Officer as PW-6 and Dr. Jyotsana Sachdev as PW-7 and thereafter the prosecution evidence was closed.

5. After closure of the prosecution evidence, the statement of the accused was recorded under Section 313 Cr.P.C, and all the incriminating evidence was put to him. However, the petitioner pleaded his false implication in the present case and stated that he had been involved with some ulterior motive. No evidence was led in defence.

6. During the course of arguments, learned senior 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.

7. Even though learned senior counsel for the petitioner does not wish to challenge the conviction, however, this Court has considered the case on merits.

8. In order to prove the charge, the prosecution examined PW1 Rajesh Sehgal, complainant, who proved on record his complaint Exhibit PW1/A and reiterated the version mentioned in the complaint. The prosecution further examined PW2 Dr. Yoginder Bansal, Assistant Professor, Department of Forensic Medicines, PGIMER, Chandigarh,

who conducted the post-mortem examination on the dead body of Yuvraj and found the following injuries:-

“1. Redish contusion of 3 x 2 cm was present over right side forehead. 3.5 cm above the right eye brow with swelling of underline surface.

2. Crescent fie abrasion of 1 A cm was present over medial aspect of left eye.

3. Reddish contusion of 4 x 3 cm was present over left side front side of abdomen”.

He further deposed that the internal injuries were also mentioned in the Postmortem report Ex.PW-2/A. After The final opinion was kept pending as the organs were sent for histopathological examination. After receiving the histopathological report, the cause of death in this case was opined as oedema of brain consequent to injuries described to head vide report Ex.PW-2/B.

9. PW6 ASI Ranjit Singh proved the investigation in the present case. The prosecution further examined Dr. Jyotasna Sachdev PW7 who was running Nagpal Nursing Home and she was a child specialist. She stated that one child was brought by grand-mother and owner of the crèche to her for first aid as the child was having difficulty in breathing. The persons, who were accompanying the child were not in a position to disclose the exact cause of problem and he was critical. She referred the child to PGIMER, Chandigarh keeping in view the serious condition of the child. From the prosecution evidence, it can be safely held that the prosecution has been able to prove the charge against the present petitioner beyond the shadow of reasonable doubt. In fact, as per the statement of PW1 Rajesh Sehgal at about 8:10 a.m. 23.07.2002, he

dropped the child in the crèche of the accused and the child was alright at that time. Even the health of the child had deteriorated while he was in the crèche which was admittedly run by the petitioner. Even the petitioner had never informed the grand-mother of the child regarding the ill health of the child. Thus, it is apparent that the petitioner was running a crèche and she had been negligent in looking after the child in her crèche. She completely failed to appreciate that some extra care and caution is required in taking care of the children of such a tender age and the offence under section 304-A IPC was clearly made out against the 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 adverting to the order of sentence, this Court cannot lose sight of the fact that the petitioner, who is a lady, is facing the prosecution since 03.10.2002, i.e., for the last more than 23 years. Still further, out of total sentence of four months, she has undergone about two months of actual custody. At the time of disposal of her appeal before the Sessions Court, she was aged about 43 years, i.e., at present, she is aged about 56 years, and as per the learned senior counsel, she is suffering from various medical problems. Apart from that, the sentence imposed on the petitioner was suspended by this Court on 12.04.2013, and for the last about 13 years, she is maintaining good conduct. Further, keeping in view the aforesaid mitigating circumstances, the sentence imposed on her is reduced to the period already undergone by her.

However, keeping in view the facts and circumstances of the present case, the amount of fine in the present case is enhanced to Rs. 3 lakhs.

11. With the above modifications, the revision is partly allowed and impugned judgement dated 18.02.2023 passed by the Court of Additional Sessions Judge, Chandigarh and the impugned judgment dated 03.04.2007 passed by the 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 her and the amount of fine is enhanced to Rs. 3 lakhs, which shall be deposited by the petitioner with the Court of Chief Judicial Magistrate, Chandigarh, within a period of four weeks from today, and the said amount shall be released by the Chief Judicial Magistrate, Chandigarh to Rajesh Sehgal, complainant/father of the deceased, against receipt and after proper identification. In case the amount of fine is not deposited within a period of four weeks, the present petition shall be deemed to be dismissed.

12. All pending applications, if any, are disposed off, accordingly.

18.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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