



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

CRR-559-2009 (O&M)
Date of Decision:21.04.2026

Anoop Ram

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Nayandeep Rana, Advocate (Amicus Curiae)
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 25.02.2009 passed by the Additional Sessions Judge, Patiala and the judgment of conviction and order of sentence dated 24.08.2006, passed by the Court of Judicial Magistrate 1st Class, Patiala, whereby, the petitioner was convicted for the commission of offence punishable under Sections 279, 304-A of IPC and was sentenced as under:-

Under Section	RI
304-A of IPC	To undergo RI for a period of one year and to pay a fine of Rs.400/- and in default of payment of fine, further undergo RI for two month.
279 of IPC	To undergo RI for a period of two months and to pay a fine of Rs.100/- and in default of payment of fine, further undergo RI for 7 days.

2. The brief facts of the case are that the present case was registered on the statement of Dharminder son of Ram Naval r/o Railway Colony,



Kathgarh Dhakoli recorded on 16.7.1998. He stated that during previous night at about 11.00 p.m. he along with his father and nephew Mahajan Ram s/o Shiv Rang were returning to their home after closing their shop. His father was ahead to him and his nephew was behind. When they were a little ahead of their shop, then a truck came from Zirakpur side and tried to overtake another truck in a rash and negligent manner. In the process the said truck hit his father while the complainant and his nephew jumped aside. His father fell on the berm. The truck driver stopped and came to them. The truck was bearing registration No. HP-07-1073. When they were attending his father, the driver escaped from the spot. The injured was admitted to Civil Hospital, Panchkula, where he succumbed to his injuries. The investigating officer endorsed the said statement to the police station on the basis of which formal FIR was registered. Inquest report in respect of dead body was prepared and postmortem examination was got conducted. Rough site plan of the place of occurrence was prepared. Statements of the witnesses were recorded. During investigation the truck was seized along with its documents. Accused was arrested on 18.7.1998.

3. After presentation of the challan, the trial Court found that a *prima facie* case under Sections 279, 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, prosecution examined Dharminder, complainant as PW-1, Mohar Singh as PW-2, Dr. Shobag Ghai as PW-3, Dalbir Singh, Mechanic as PW-4, Narinderpal as PW-5, Inspector Tejinder Singh as PW-6 and thereafter, the evidence of the prosecution 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. 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 judgment 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.*** Even though, learned counsel for the petitioner does not wish to challenge the conviction, however, this Court has considered the case on merits.

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 complainant, namely, Dharminder was examined as PW-1 and he had supported the case of the prosecution in toto. PW-2, Mohar Singh identified the dead body of Ram Naval, since deceased. Further, Dr. Shobag Ghai, PW-3 performed the postmortem examination on the



dead body of Ram Naval and proved the copy of the postmortem report. PW4, Dalbir Singh, Mechanic, conducted the mechanical test of the offending vehicle and presented his mechanical test report of the offending vehicle. Apart from that, there was sufficient evidence to show that the petitioner was driving the offending truck at the time of accident in rash and negligent manner. 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, advertent to the order on quantum of sentence, this Court is conscious of the fact that the petitioner is facing the prosecution since 16.07.1998 i.e. for the last about 28 years. Even at present, the petitioner is aged about 63 years and is a senior citizen. The petitioner has already undergone more than 02 months of actual custody, out of total sentence of one year. Moreover, the sentence imposed of the petitioner was suspended on 21.04.2009 and since then, the petitioner had maintained good conduct. Consequently, keeping in view the mitigating circumstances of the case, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs.1 lakh, which shall be deposited by the petitioner with the concerned Chief Judicial Magistrate, within a period of 02 months from the date of receipt of certified copy of this case. It 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 present revision petition is partly allowed and the impugned judgments of conviction 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 two months from the date of receipt of certified copy of this order, the present petition shall be deemed to be dismissed.

12. This Court records its appreciation for Mr. Nayandeep Rana, Amicus Curiae, who has rendered able assistance to the Court on behalf of the appellant. His fee is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee, as per rules and practices.

13. All pending applications, if any, are also disposed of, accordingly.

14. Case property, if any, may be dealt with as per rules.

15. The trial Court record be sent back to the trial Court.

21.04.2026

hemlata

(N.S.SHEKHAWAT)
JUDGE

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