



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

CRR-1167-2010 (O&M)**Date of Decision: 22.04.2026****Nirmal Singh**

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Vicky Sharma, Advocate for the petitioner.
 Mr. Amit Rana, Sr. DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 08.04.2010, passed by the Court of Additional Sessions Judge, Gurdaspur, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 27.09.2007, passed by the Court of Judicial Magistrate Ist Class, Batala, whereby the petitioner was ordered to be convicted for the offence punishable under Section 304-A and 279 of IPC and was sentenced as under:-

Under Section 304-A of Indian Penal Code	Rigorous imprisonment for a period of one year and to pay a fine of Rs.400/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of 04 days.
Under Section 279 of Indian Penal Code	Rigorous imprisonment for a period of two months and to pay a fine of Rs.200/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of 03 days.

2. The brief facts of the case are that the present case was registered on the statement of Sukhwinder Singh complainant, who got his statement recorded before the police to the effect that his brother Mohan Singh and he were going on separate scooters on 04.05.2000 at about 8.00 p.m. to the



village of in-laws of Mohan Singh. The complainant was following Mohan Singh on his own scooter. At that time, one tractor-trolley came from opposite side being driven at a high speed and negligently and also on the wrong side and it struck against the scooter of his brother Mohan Singh from the side due to which Mohan Singh fell on the ground and was seriously injured. Thereafter, he came to know that tractor was being driven by Nirmal Singh. He arranged for a vehicle to take his brother for treatment. On the way to hospital, his brother Mohan Singh died and he brought him back home. Due to the darkness, he could not report the matter on that day. He further stated that due to the accident, scooter was badly damaged. The postmortem of the dead body was got conducted and the matter was investigated. On 06.05.2000, the accused was arrested.

3. After completion of the investigation all other necessary formalities were concluded and challan was presented under Sections 304-A, 279 of Indian Penal code against the petitioner. The trial Court found a *prima facie* case under Section 304-A/279 IPC and the petitioner was charge-sheeted accordingly. However, the petitioner pleaded not guilty and claimed trial.

4. In order to prove the charges against the petitioner, the prosecution examined PW1 – Jai Singh, Mechanic, PW2 - Sukhwinder Singh (complainant), PW3 – ASI Amrik Singh, PW4 – Ram Parkash and PW5 – Dr. Gurmit Singh Cheena, Medical Officer, Civil Hospital, Batala and the prosecution evidence was closed.

5. After closure of the prosecution evidence, statement of the petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded innocence and false implication. No 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 judgments of conviction and some leniency may be shown by this Court, while awarding the sentence to the petitioner. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. The case of the prosecution was primarily based on the testimony of PW2 – Sukhwinder Singh, complainant, who reiterated the contents of the initial complaint Ex.PC. The witness was cross-examined at length, however, his testimony could not be shattered in any manner. The prosecution further examined PW1 - Jai Singh, Mechanic of Punjab Roadways, who mechanically examined tractor along with trolley and found it to be mechanically correct vide his report Ex.PA. The prosecution further examined ASI Amrik Singh as PW3, who was the Investigating Officer of the case. He proved FIR as Ex. PC, site plans Ex. PD and Ex. PH, postmortem report Ex. PE, recovery memos Ex. PF and Ex PG of tractor and scooter and also proved the photographs of the spot. Apart from that, the prosecution examined Dr. Gurmit Singh Cheena as PW5, who conducted the postmortem on the dead body of Mohan Singh on 05.05.2000 and found 10 injuries on his person. The cause of death in his opinion was shock due to multiple injuries, which were sufficient to cause death in an ordinary course of nature. He proved the postmortem report as Ex. PW5/1. Thus, from the statements of aforesaid witnesses, it was proved that at the time of accident, petitioner was driving the offending vehicle rashly and negligently on a public road and caused death of Mohan Singh. Thus, he was rightly held guilty for commission of the offences punishable under Sections 279, 304A IPC.



8. Even otherwise, I have gone through the judgment passed by the trial Court as well as the appellate Court and find no infirmity, illegality or perversity in the judgments. Thus, the impugned judgments of conviction, passed by the trial Court as well as the appellate Court are upheld by this Court.

9. Now, advertent to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial since 05.05.2000 i.e. for the last about 26 years and has undergone actual custody of 01 month and 04 days out of total sentence of 01 year. The sentence imposed upon him was suspended by this Court on 06.05.2010 and in the last about 16 years, he had maintained good conduct. Apart from that, he was never involved in any other criminal activity.

10. Keeping in view the aforesaid mitigating circumstances as well as the law laid down by the Hon'ble Supreme Court in ***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. Appeal No.2827 of 2025, decided on 23.05.2025); Md. Rafik @ Rafik Ansari v. State of Jharkhand, (Crl. Appeal No. 3009 of 2025, decided on 15.07.2025)*** and ***Prabhu Singh Vs. The State of Rajasthan, 2025(2) TAC 467***, the present revision petition is partly allowed and the impugned judgments of conviction, passed by the trial Court as well as the Appellate Court are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.50,000/-, which shall be deposited by the petitioner as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of



fine/compensation shall be paid by the Chief Judicial Magistrate to the legal representatives of Mohan Singh, since deceased, in the present case, after proper verification and against receipt.

11. With the above modifications, the revision is partly allowed and impugned judgment dated 08.04.2010, passed by the Court of Additional Sessions Judge, Gurdaspur and the impugned judgment dated 27.09.2007, passed by the Judicial Magistrate Ist Class, Balala, are upheld, whereas the order of sentence is modified to the extent that the sentence imposed upon the present petitioner is reduced to the period already undergone by him. In case, the fine/compensation amount is not deposited within a period of two months from today, the present criminal revision petition shall be deemed to be dismissed.

12. Pending application(s), if any, stand(s), disposed of, accordingly.

22.04.2026*sunil***(N.S.SHEKHAWAT)
JUDGE**

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