



CRR-2319-2013 (O&M)

233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2319-2013 (O&M)

Date of Decision: 20.04.2026

Rajesh Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Ms. Ekta Thakur, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 15.05.2013, passed by the Court of Additional Sessions Judge, Hoshiarpur, whereby, the appeal filed by the petitioner was ordered to be dismissed and upheld the impugned judgment of conviction and order of sentence dated 27.11.2012, passed by the Court of Additional Chief Judicial Magistrate, Hoshiarpur, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 279 and 304-A of IPC and was sentenced as under:-

Under Section 279 of Indian Penal Code	Rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-. In default of payment of fine, to further undergo simple imprisonment for a period of one month.
Under Section 304-A of Indian Penal Code	Rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/-. In default of payment of fine, to further undergo simple imprisonment for a period of one month.

2. The brief facts of the case are that this case was registered on the statement of complainant Smt. Biro wife of Davinder Lal. She has alleged that on 27.11.2007, she and her mother Bachan Kaur were coming to their village

**CRR-2319-2013 (O&M)**

from bus stand Taragarh. At about 4.30 P.M., a bus bearing registration no. PB-07P-7255 of DAV School came from the side of village Pandori, which was being driven by its driver in a rash and negligent manner and he struck the bus against her mother from the wrong side. Due to which, her mother received injuries and fell down on the ground. The bus driver fled away from the spot. The accident had occurred due to rash and negligent driving of the bus driver. Later on, her mother succumbed to the injuries. Thereafter, they came to know the name of bus driver as Rajesh Kumar son of Balbir Singh, resident of Himachal Pradesh, at present r/o House no.405, Arya Samaj Chowk. Hoshiarpur. As prima facie case under Sections 279/304-A IPC was made out against the accused, consequently FIR was lodged against the accused. Statements of the witnesses were recorded. The accused was arrested.

3. After the investigation was concluded, challan was presented under Sections 279, 304-A of Indian Penal code against the petitioner. The trial Court found a *prima facie* case under Sections 279, 304-A 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 PW-1 Beero (complainant), PW-2 Dr. O.P., Gojra, PW-3 Amarjit Kaur Clerk, Kulwant Kaur again repeated as PW-3, PW-4 Amar Nath and SI Harbans Lal PW-5 and the evidence was closed by Court order.

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 that he had been falsely involved in the present case. No evidence was led by the petitioner in his defence.

**CRR-2319-2013 (O&M)**

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. In the present case, the prosecution case was based on the testimony of PW1 - Smt. Biro, who had supported the case of the prosecution. She categorically stated that she and Bachan Kaur, her mother, were coming from bus stand Taragarh to their village and the offending bus was being driven by the petitioner in a rash and negligent manner and he stuck the bus against her mother, while driving the bus from the wrong side. Due to this, Smt. Bachan Kaur suffered injuries in the accident and ultimately succumbed to the injuries, while she was being shifted to a hospital at Jalandhar. The testimony of PW1 - Smt. Biro was further corroborated by the statement of PW5 - Sub Inspector Harbans Singh, who was the Investigating Officer of the present case and had found the allegation levelled by the complainant to be correct, during the course of investigation. Similarly, PW4 - Amarnath had also supported the statement of PW5. Amrit Kaur appeared as PW3 and proved on record the driving license of the petitioner as Ex. PW3/1. From the statements of aforesaid witnesses, it was apparent that the offending bus was being driven in a rash and negligent manner by the present petitioner who had caused the death of Bachan Kaur. Thus, both the Courts had rightly held him guilty for commission of offences under Sections 279 and 304-A IPC. Even otherwise, I have gone through the judgment passed by the trial Court as well as the appellate Court and find no infirmity,



CRR-2319-2013 (O&M)

illegality or perversity in the judgments. Thus, the impugned judgments of conviction, passed by the trial Court as well as the appellate Court are ordered to be upheld by this Court.

8. Now advertent to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 28.11.2007 i.e. for the last more than 18 years. Even as per custody certificate, the petitioner has undergone more than 03 months and 19 days of actual custody out of total sentence of 01 year. Even the sentence imposed on him was suspended by this Court on 21.08.2013 and in the last almost 13 years, he had maintained good conduct. Apart from that, he was never involved in any other criminal activity.

9. 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.25,000/-, 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

**CRR-2319-2013 (O&M)**

paid by the Chief Judicial Magistrate to the legal representatives of Bachan Kaur, since deceased, in the present case, after proper verification and against receipt.

11. With the above modifications, the revision petition is partly allowed and impugned judgment dated 15.05.2013, passed by the Court of Additional Sessions Judge, Hoshiarpur and the impugned judgment dated 27.11.2012, passed by the Additional Chief Judicial Magistrate, Hoshiarpur, 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.

20.04.2026*sunil***(N.S.SHEKHAWAT)
JUDGE**

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