

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 937/2006

Panna Lal S/o Udai Lal Gurjar, Resident of Sanodiya, Police Station Gulabpura, District Bhilwara, Rajasthan.

-----Petitioner

Versus

State Of Rajasthan, through PP

-----Respondent

For Petitioner(s)	:	Mr. Pankaj Sharma
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG Mr. K.S. Kumpawat, AAAG

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

16/07/2025

1. By way of filing the instant criminal revision petition, a challenge has been made to the order dated 06.10.2006 passed by learned Additional Sessions Judge No.1, Bhilwara in Criminal Appeal No.30/2006 whereby the learned appellate Court dismissed the appeal filed against the judgment of conviction dated 02.08.2005 passed by the learned Judicial Magistrate West, Bhilwara, in Criminal Case No.161/2000 by which the learned trial Judge convicted and sentenced the petitioner as under:-

Offence	Sentence	Fine	Sentence in default of fine
Section 279 IPC	3 months' S.I.	Rs.200/-	10 days' S.I.
Section 304A IPC	1 year's S.I.	Rs.1000/-	1 month's S.I.

2. Both the sentences were ordered to run concurrently and the period spent in judicial custody shall be adjusted in the original imprisonment.

3. The gist of the prosecution story is that on 28.09.2000, complainant Darshan Singh gave a written report at Police Station Baneda, to the effect that he along with his brother, were traveling from Bangalore to Ludhiana in a Truck bearing registration No.DL-01-G-0327 which collided with a Dumper bearing registration No.RJ-27-G-3944 being driven by the present petitioner as it was coming from wrong side in a rash and negligent manner, as a result of the collision, complainant's truck overturned and his brother succumbed to injuries on the spot. Upon the aforesaid information, an FIR was registered and after usual investigation, charge-sheet came to be submitted against the petitioner in the Court concerned.

4. The Learned Magistrate framed charge against the petitioner for offences under Sections 279 & 304-A of IPC and upon denial of guilt by the accused, commenced the trial. During the course of trial, as many as 07 witnesses were examined and some documents were exhibited. Thereafter, an explanation was sought from the accused-petitioner under Section 313 Cr.P.C. for which he denied the same and then, after hearing the learned counsel for the accused petitioner and meticulous appreciation of the evidence, learned Trial Judge convicted the accused for offence under Sections 279 & 304A of IPC vide judgment dated 02.08.2005 and sentenced him as mentioned above. Aggrieved by the judgment of conviction, he preferred an appeal before the Additional Sessions Judge which was dismissed vide judgment dated 06.10.2006. Both these judgments are under assail before this Court in the instant revision petition.

5. Learned Counsel Mr. Pankaj Sharma, representing the petitioner, at the outset submits that he does not dispute the finding of guilt and the judgment of conviction passed by the learned trial

court and upheld by the learned appellate court, but at the same time, he implores that the incident took place in the year 2000. He had remained in jail for about 13 days after passing of the judgment by the appellate court. No other case has been reported against him. He hails from a very poor family and belongs to the weaker section of the society. He was 35 years old at the time of incident, now he is aged about 60 years and is facing trial since the year 2000 and he has languished in jail for some time, therefore, a lenient view may be taken in reducing his sentence.

6. Learned Additional Advocate General though opposed the submissions made on behalf of the petitioner but does not refute the fact that the petitioner has remained behind the bars for 13 days and except the present one no other case has been registered against him.

7. Since the revision petition against conviction is not pressed and after perusing the material, nothing is noticed which requires interference in the finding of guilt reached by learned trial court, this court does not wish to interfere in the judgment of conviction. Accordingly, the judgment of conviction is maintained.

8. As far as the question of sentence is concerned, the petitioner remained in jail for some time and he is facing the rigor for last 25 years. Thus, in the light of the judgments passed by the Hon'ble Supreme Court in the cases of **Haripada Das Vs. State of West Bengal** reported in **(1998) 9 SCC 678** and **Alister Anthony Pareira vs. State of Maharashtra** reported in **2012 2 SCC 648** and considering the circumstances of the case, age of the petitioner, his status in the society and the fact that the case is pending since a pretty long time for which the petitioner has suffered incarceration

for some days and the maximum sentence imposed upon him is of one year as well as the fact that he faced financial hardship and had to go through mental agony, this court deems it appropriate to reduce the sentence to the term of imprisonment that the petitioner has already undergone till date.

9. Accordingly, the judgment of conviction dated 06.10.2006 passed by learned Additional Sessions Judge No.1, Bhilwara in Criminal Appeal No.30/2006 & the judgment dated 02.08.2005 passed by the learned Judicial Magistrate West, Bhilwara in Criminal Case No.161/2000 is affirmed but the quantum of sentence awarded by the learned Trial Court is modified to the extent that the sentence he has undergone till date would be sufficient and justifiable to serve the interest of justice. The fine amount imposed by the trial Court is hereby maintained. Two months' time is granted to deposit the fine amount before the trial Court. In default of payment of fine, the petitioner shall undergo one month S.I. The petitioner is on bail. He need not surrender. His bail bonds are cancelled.

10. The revision petition is allowed in part.

11. Pending applications, if any, are disposed of.

12. Record of the Courts below be sent back.

(MANOJ KUMAR GARG),J