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

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Date of Decision: 11.07.2025

Hasam

...Petitioner

VERSUS

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr. Amit Sharma, Legal Aid Counsel,  
for the petitioner through V.C. and  
Mr. Aazam Khan, Advocate, for  
Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

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**H.S. GREWAL, J. (ORAL)**

1. The present revision petition has been filed against the impugned judgment dated 26.03.2012 passed by the learned Additional Sessions Judge, Nuh, in a case FIR No.33 of 14.03.2008 under Sections 279 and 304-A IPC, P. S. Nagina, dismissing the appeal and upholding the judgment of conviction dated 19.05.2011 and order on quantum of sentence dated 21.05.2011 passed by Sub Divisional Judicial Magistrate, Ferozpur Jhirka, Mobile Court at Punhana, whereby petitioner has been convicted under Sections 279 and 304-A of IPC and sentenced to undergo rigorous imprisonment for a period of 2 years with the fine of Rs.1,000/- and in default of the payment of fine, he was ordered to further undergo SI for 30 days.
2. Mr. Amit Sharma, Legal Aid Counsel has put in appearance through vide conferencing today on behalf of petitioner as he was appointed as



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legal aid counsel vide order dated 15.05.2024. He states that petitioner is not cooperating and not handing over the related paper book and told him that his previous counsel Mr. Salim Ahmed, Advocate, would be appearing. However, after some time, Mr. Aazam Khan, Advocate, has appeared on behalf of Mr. Salim Ahmad, for the petitioner. Both the counsel have stated that they have no further instruction in the matter.

2. The case of the prosecution is that the complainant-Hazi Islam got his statement recorded to the police to the effect that on 14.03.2008, he was talking with one Hasnu in front of his house. Munsaf, son of his daughter aged about 8 years was playing near the road. At about 6:00 p.m., a dumper bearing registration No.HR-55E-1216 came from side of village Shikrawa being driven in a rash and negligent manner and cause accident of Munsaf. Driver stopped the dumper about 30-35 yards ahead but unfortunately Munsaf died on the spot. Driver disclosed his name as Hasam son of Nasru. Later on he was arrested. After leading evidence, prosecution has examined Dr. Naseem Ahmad as PW-1 who proved the MLR, PW-2 Bachchu ASI Investigating Officer and PW-3 Mr. Mohd. Sohrab has deposed as an eye-witness and the complainant himself appeared as PW-4 has supported the case of the prosecution. Ultimately, the trial Court after examining all the incriminating evidence and witnesses, arrived at the conclusion that petitioner was guilty for rash and negligent driving in public place and responsible for causing death of deceased. The appellate Court had also found no infirmity in the judgment of the trial Court and the same was upheld vide order dated 26.03.2012. Aggrieved against the same, petitioner filed the present revision petition.

3. Learned counsel for the petitioner contends that the petitioner is not assailing the impugned judgment dated 26.03.2012 upholding the judgment



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of conviction and order of sentence passed by the trial Court on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioner, as he has already undergone imprisonment for a period of 6 months out of total sentence of 2 year (as reflected in the order dated 03.10.2012 of this Court). Moreover, on examining the custody certificate dated 04.12.2018(attached with case file), another case under Sections 279, 337 and 304-A IPC was registered in FIR No.294 of 2010 at Police Station Nuh, Mewat against the petitioner. He further prays that since the FIR in question pertains to the year 2008, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner as mentioned hereinabove and submits that the learned trial Court and Ist Appellate Court has passed well-reasoned judgments based on correct appreciation of evidence available on record.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The petitioner has been convicted for causing death of one Munsaf during his rash and negligent driving. Moreover, the FIR in the present case pertains to the year 2008 and the petitioner has already faced the rigors of the trial for more than 17 years.

7. Hon'ble the Supreme Court in "Deo Narain Mandal Vs. State of UP", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the



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accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two Judge Bench of the Hon'ble Supreme Court in Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realize the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court and learned appellate Court indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. Since there is no minimum punishment prescribed under Section 279 and 304-A IPC and keeping in view the fact the FIR pertains to the year 2008 and the petitioner has faced the rigors of trial for a period of more than 17 years, therefore, while taking a lenient view, this Court is of the opinion that it



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would be in the interest of justice if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. In view of above, the revision petition is disposed of by upholding the judgment dated 26.03.2012 passed by the learned Appellate Court, however, the order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 2 years imposed upon the petitioner is reduced to the period of 1 year RI. However, the fine is increased from Rs.1,000/- to 10,000/- over and above to be paid to the complainant. In case, the complainant is not found, the amount be deposited with the trial Court.

**11.07.2025**

*anil*

**(H.S. GREWAL)  
JUDGE**

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No