



CRR-307-2012

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

CRR-307-2012 (O&M)  
Decided on:30.04.2025

Des Raj ..... Petitioner

versus

State of Punjab ..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Ms. Gurpreet Kaur, Advocate (Amicus Curiae)  
for the petitioner.

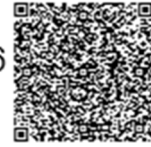
Mr. Rishabh Singla, AAG, Punjab.

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**Harpreet Singh Brar, J. (Oral)**

1. This revision petition has been preferred against the judgment dated 17.11.2011 passed by learned Addl. Sessions Judge, Jalandhar vide which, judgment of conviction and order on quantum of sentence dated 18.05.2011 passed by learned Judicial Magistrate Ist Class, Jalandhar have been upheld, in a case stemming from FIR No.115 dated 02.09.2007 under Sections 279, 337, 427, 304-A IPC registered at Police Station Bhogpur and the petitioner was sentenced as under :

Offence	Sentence
Section 304-A IPC	Rigorous imprisonment for a period of two years along with fine of Rs.1,000/- and in default of payment of fine, further undergo RI for three months.
Section 337 IPC	Rigorous imprisonment for a period of six months along with fine of Rs.500/- and in default of payment of fine, further undergo RI for one month.
Section 279 IPC	Rigorous imprisonment for a period of six months along with fine of Rs.500/- and in default of payment of fine, further



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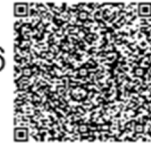
	undergo RI for one month.
All the sentences were ordered to run concurrently.	

2. Learned Amicus Curiae for the petitioner *inter alia* submits that the prosecution is unable to prove its allegations beyond reasonable doubt. There is complete contradiction in the deposition of the complainant. Further, the complainant while appearing as PW-2 in her cross-examination admitted that the petitioner overtook her vehicle i.e. Activa Scooter from the right side whereas as per the case set up by her in the FIR, it had been stated that the petitioner has overtaken the scooter of the complainant from the left side. Further, the complainant has failed to disclose the number and colour of the offending vehicle, moreover, she could not identify the petitioner. There were other material discrepancies in the statement of witnesses and the complainant was not present at the time of alleged accident. No independent witness was joined the investigation although the accident had taken place on the busy road. Learned counsel further submits that the petitioner has undergone a period of 10 months and 08 days and is not involved in any other case.

3. Per contra, learned State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, he does not deserves any leniency.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In ***Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257***, the Hon'ble Supreme Court has opined that awarding of sentence is not a mere



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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, manner in which the offence is committed, age of the 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.

6. Further, the Hon'ble Supreme Court in ***Ravada Sasikala vs. State of AP AIR 2017 SC 1166***, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

7. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. It transpires that the petitioner was convicted under Sections 304-A/337/279 IPC, for which no minimum punishment has been prescribed.

9. The FIR in the present case was lodged on 02.09.2007 and the petitioner has been suffering the agony of trial for the last more than 17 years. Since his conviction, the petitioner has grown into law-abiding citizen



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and desires to live a peaceful life. As per his custody certificate, the petitioner has undergone actual custody period of 10 months and 08 days out of total sentence of two years, awarded by learned trial Court and he is not involved in any other case.

10. Since there is no minimum punishment prescribed under Sections 304-A/337/279 IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. Consequently, the present petition is disposed of and the judgment dated 17.11.2011 passed by the learned Addl. Sessions Judge, Jalandhar affirming the judgment of conviction dated 18.05.2011 is upheld, however, the order of sentence dated 18.05.2011 is modified to the extent that the sentence of rigorous imprisonment for two years and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

12. High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

30.04.2025  
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**(HARPREET SINGH BRAR)**  
**JUDGE**

Whether speaking/non-speaking?  
Whether reportable?

Yes/No  
Yes/No