

Simar Singh Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Feb-01-2008

Reported in : (2008)2PLR42

Judge : Kanwaljit Singh Ahluwalia, J.

Appellant : Simar Singh

Respondent : State of Haryana

Disposition : Petition dismissed

Judgement :

Kanwaljit Singh Ahluwalia, J.

1. Simar Singh was prosecuted in case FIR No. 53 dated 11.3.1987 registered at Police Station Sadar Rohtak under Sections 279, 304-A I.P.C.
2. The petitioner, who was driving a truck rashly and negligently, had hit Smt. Rajal Devi, as a result of which she died at the spot. Trial Court relied upon the statements of PW.1 Ganga Dutt, PW2 Suraj Bhan and PW3 Virender, convicted the petitioner and sentenced him under Section 304-A IPC to undergo rigorous imprisonment for one year. The petitioner was also sentenced under Section 279 IPC to undergo rigorous imprisonment for two months. Both the sentences were ordered to be run concurrently. Appeal filed by the petitioner was also dismissed

by the Court of learned Additional Sessions Judge, Rohtak.

3. Record reveal that the petitioner was taken into custody on 8.10.1992 when his appeal was dismissed. He was ordered to be released on bail by this Court on 4.11.1992 and thereafter he was released from the jail.

4. Mr. S.K. Rana, Advocate, appearing for Mr. Chander Singh, Advocate, for the petitioner, states that the petitioner has undergone about one month in jail. Occurrence in the present case pertains to year 1987. A period of more than 20 years has lapsed. Mr. Rana has stated that the petitioner is not a previous convict and has committed no offence during the pendency of revision petition. After 20 years of the occurrence, petitioner, who has undergone one month and has committed no offence in the last 20 years deserves leniency in the matter of sentence. In the last 20 years accused may have fastened himself with many liabilities of the family. Therefore, in the present revision petition, the sentence of petitioner is reduced to already undergone. However, fine of Rs. 35,000/- is imposed upon him, which shall go as compensation to the legal heirs of deceased Smt. Rajal Devi.

5. Since all the three witnesses could not be dislodged in cross-examination, therefore, conviction is maintained.

Non-payment of fine by the petitioner shall be considered as dismissal of the revision petition.

6. With these observations, the present revision petition is disposed of.