HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 667/2006
CNR: RJHC020129462006 | URN: CRLR / 1210U / 2006

Prem Chand S/o Shri Harlal, Resident of Basi, Police Station, Delhi, District Bundi. At preent Sangatpur Kachchi Basti, Kota, Police Station Kunhadi, District Kota, Rajasthan

----Accused Petitioner

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s)	:	Mr. Shiv Kumar Jangid, Advocate Ms. Monika Shekhawat, Advocate
For Respondent(s)	:	Mr. Vivek Choudhary, PP

HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

07/09/2026

1. The present revision petition under Section 397 read with Section 401 of the Code of Criminal Procedure has been filed by the accused-petitioner–Prem Chand against Judgment and Order dated 21.6.2006 passed by Addl. Sessions Judge (Fast Track) No.4, Tonk (for short, 'the appellate court') in Criminal Appeal No. 9/2006 (Prem Chand Vs. State of Rajasthan) vide which the appellate court while dismissing the criminal appeal filed by the accused-petitioner, affirmed the judgment and order dated 20.7.2005 passed by Judicial Magistrate, First Class, Tonk (for short, 'the trial court') in Original Criminal Case No.11/2001 titled State of Rajasthan Versus Prem Chand, by which the trial court convicted him for the offence under Section 279, 337 and 304-A IPC and sentenced him as under:

Offence	Punishment	Fine	In Default of payment of fine
U/s. 279 IPC	To undergo 6 months' RI	Rs. 100/-	To further undergo 1 days' SI
U/s. 337 IPC	To undergo 3 months' SI	Rs. 100/-	To further undergo 1 days' SI
U/s. 304 A IPC	To undergo 1 year's RI	Rs. 500/-	To further undergo 5 days' SI

2. Facts of the case in short are that on 30.12.2000, injured Hukum SIngh gave a parcha bayan to the effect that on that day at about 3.00 AM, he alongwith Maharaj Shri Haridwar Nand, Bharat Singh @ Bhagat Ji and Santram departed from Ashram for Allahabad Kumbh in Tata Sierra No. RJ 06 C 2345, which was being driven by driver Shyam Lal. At about 6.00 AM, when they reached ahead Mehandwas, a Truck No. RPM 5365 being driven by its driver rashly and negligently came from Tonk side and hit Tata Sierra, due to which driver Shyam Lal and Bharat Singh died and the other persons sitting in Tata Sierra sustained injuries. On the basis of said parcha bayan, the Police registered FIR No.268/2000 for the offence under Section 279, 337 and 304A IPC. After completing the investigation, the police submitted the challan against accused petitioner for the offence under Sections 279, 337 and 304-A IPC before the concerned court. Cognizance was taken and charges were framed against the petitioner, which were read over to him. He denied the same and claimed for trial. After conclusion of trial, the trial court passed judgment and order dated 20.7.2005 and convicted the accused-petitioner for the

offence under Sections 279, 337 and 304-A IPC and sentenced him, as indicated above. Thereafter, the petitioner filed an appeal and the appellate court vide its judgment dated 21.6.2006 dismissed the appeal and affirmed the judgment dated 20.7.2005 passed by the trial court. Hence, this criminal revision petition has been preferred by the accused-petitioner.

3. Heard learned counsel for the parties.

4. After arguing the matter on merits at some length, learned counsel for the accused-petitioner does not want to press instant revision petition challenging judgments passed by the courts below qua conviction and prefers to make submissions on the point of sentence only.

5. Learned counsel for the accused-petitioner has submitted that incident in the present case took place way back in the year 2000 i.e. around 26 years ago; accused-petitioner was 28 years of age at the time of incident and now he is around 54 years old and facing agony of trial for the past about 26 years; accused-petitioner who is sole bread earner in the family belongs to poor strata of society and remained in police and judicial custody for a period of 1 month and 14 days and there is no previous conviction recorded against the accused-petitioner, therefore, he prays that ends of justice would meet if a lenient view is taken in the matter and sentence of imprisonment awarded to the accused-petitioner is reduced to the period already undergone by him.

6. Learned counsel for the accused-petitioner has relied upon the judgment of Hon'ble Supreme Court in ***Chander Shekhar vs. State of Rajasthan (Criminal Appeal No. 4161/2024)***

decided on 04.10.2024 *and the judgments rendered by a coordinate Bench of this Court in the cases of* ***Shyamveer Singh vs. State of Rajasthan (S.B. Criminal Revision Petition No. 724/2003) decided on 15.05.2024, Smt. Sudesh Kumari vs. State of Rajasthan (S.B. Criminal Revision Petition No. 1047/2005) decided on 09.10.2024, Mahesh Bhargava vs. State of Rajasthan (S.B. Criminal Revision Petition No. 737/2005) decided on 06.11.2024, Pappu vs. State of Rajasthan (S.B. Criminal Revision Petition No. 538/2005) decided on 21.08.2024, Annu @ Anwar vs. State of Rajasthan (S.B. Criminal Writ Petition No. 333/2018) decided on 04.11.2024, Banna Ram vs. State of Rajasthan (S.B. Criminal Revision Petition No. 391 of 2006) decided on 08.07.2024, Heera Lal vs. State of Rajasthan (S.B. Criminal Revision Petition No. 733/2003) decided on 14.02.2024 & Ram Karan vs. State of Rajasthan (S.B. Criminal Revision Petition No. 972 of 2006) decided on 08.07.2024.***

7. Per contra, learned PP while opposing the revision petition, submits that looking to the overall facts and circumstances of the case and the well reasoned speaking judgments passed by the courts below, sentence awarded by the trial court and affirmed by the appellate court cannot be said to be disproportionate, therefore, no interference in sentence is warranted in this case.

8. I have considered the arguments advanced at the Bar and have gone through judgments passed by both the courts below and record of the case.

9. Since the revision petition against conviction of the accused-petitioner is not pressed on merits and after perusing the record, nothing is noticed which requires interference in the finding of guilt reached by the courts below. This Court does not wish to interfere in the judgments passed by courts below qua conviction of the accused-petitioner. Accordingly, the judgments passed by the courts below qua conviction of the accused-petitioner are maintained.

10. As far as quantum of sentence is concerned, after perusing judgments and orders impugned, considering the submissions of learned counsel for the parties; precedent law on the issue; accused-petitioner, who was only 28 years of age at the time of incident, has already suffered the agony of protracted trial, spanning over a period of more than 26 years and he remained incarcerated for some time after passing of the judgment, and no evidence regarding previous conviction of the accused-petitioner is produced on record, reformative theory of punishment is in vogue in our country, a balanced and pragmatic approach is required while considering the question of sentence, and the fact that now if the petitioner is sent in jail, the petitioner's family will not only suffer adversely but they will face financial hardship also, this Court is of the opinion that no fruitful purpose would be served while sending him behind the bars at this stage.

11. This Court is conscious of the judgments rendered in ***Alister Anthony Pareira Vs. State of Maharashtra : (2012) 2 SCC 648*** and ***Haripada Das Vs. State of W.B. : (1998) 9 SCC 678***, wherein, the Hon'ble Apex Court observed as under:-

Alister Anthony Pareira (Supra)
"There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances."

Haripada Das (Supra)
"…considering the fact that the respondent had already undergone detention for some period and the case is pending for a pretty long time for which he had suffered both financial hardship and mental agony and also considering the fact that he had been released on bail as far back as on 17-1-1986, we feel that the ends of justice will be met in the facts of the case if the sentence is reduced to the period already undergone…"

12. Consequently, the judgment and order dated 21.6.2006 passed by the appellate court and the judgment and order dated 20.7.2005 passed by the trial court qua conviction of the accused-petitioner for the offence under Sections 279, 337 and 304-A of I.P.C. are affirmed but the quantum of sentence awarded to the accused-petitioner by the trial court and maintained by the appellate court is reduced to the period already undergone by him, which would be sufficient and justifiable to serve interest of justice. The accused-petitioner is on bail. He need not to surrender. His bail bonds are discharged.

13. The revision petition stands disposed of accordingly.

14. A copy of this order along with records be sent to the trial court forthwith.

(BHUWAN GOYAL),J

80/DK