HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1213/2008
CNR: RJHC020188232008 | URN: CRLR / 2286U / 2008

Hawa Singh S/o Ram Singh, Resident of Mataur, Police Station Khairthal, District Alwar

----Accused Petitioner

Versus

The State of Rajasthan through PP

----Respondent

For Petitioner(s)	:	Mr. Raj Kamal Gaur, Advocate Mr. Vinod Kumar Arya Advocate Mr. Vishal Rai, Advocate
For Respondent(s)	:	Mr. Naresh Gupta, PP

HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

03/09/2026

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–Hawa Singh against Judgment and Order dated 6.9.2008 passed by Addl. District & Sessions Judge, (Fast Track) Kishangarh Bas, District Alwar (for short, 'the appellate court') in Criminal Appeal No. 17/2008 (Hawa Singh Vs. The State of Rajasthan) vide which the appellate court while dismissing the criminal appeal filed by the accused-petitioner, affirmed the judgment and order dated 4.10.2002 passed by Judicial Magistrate, First Class, Kishangarh Bas, District Alwar (for short, 'the trial court') in Criminal Case No.23/88/1999 titled State of Rajasthan Versus Hawa Singh, by which the trial court convicted

him for the offence under Section 279 and 304-A IPC and sentenced him as under:

Offence	Punishment	Fine	In Default of payment of fine
U/s. 279 IPC	To undergo 3 months' simple imprisonment		
U/s. 304A IPC	To undergo 1 years' simple imprisonment	Rs. 500/-	To further undergo 10 days' simple imprisonment

2. Facts of the case in short are that on 11.3.1999, the complainant Prakash submitted a written report to the effect that on that day at about 9.30 AM, he alongwith Brij Mohan Billu was going in Toda fair. At Mator bus stand, the driver of Jeep No. RJ02 C 2490 drove it rashly and negligently and threw down his brother, due to which he sustained grievous injuries. On the basis of said report, the police lodged FIR No.99/1999 for the offence under Section 279 and 337 IPC. Later-on, injured Brij Mohan died and instead of Section 337 IPC, the police added 304A IPC. After completing the investigation, the police submitted the challan against accused petitioner for the offence under Sections 279 and 304-A IPC before the concerned court. Cognizance was taken and charges were framed against the petitioner for the offence under Sections 279 and 304A IPC. He denied the same and claimed for trial. After conclusion of trial, the trial court passed judgment and order dated 4.10.2002 convicting the accused-petitioner for the offence under Sections 279 and 304-A IPC and sentencing him, as indicated above. Thereafter, the petitioner filed an appeal and the

appellate court vide its judgment dated 6.9.2008 dismissed the appeal and affirmed the judgment dated 4.10.2002 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 1999 i.e. around 27 years ago; accused-petitioner was 28 years of age at the time of incident and now he is around 55 years old and facing agony of trial for the past about 27 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 29 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 27 years and he remained incarcerated for some time after passing the judgment, 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 if in the old age, 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 6.9.2008 passed by the appellate court and the judgment and order dated 4.10.2002 passed by the trial court qua conviction of the accused-petitioner for the offence under Sections 279 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