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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Reserved on: October 12, 2023**
Decided on: November 3, 2023

\+ **CRL.REV.P. 296/2017**

MOHD NASIM **..... Petitioner**

Through: **Mr. Sanjay Manchanda, Mr. Rahul Miglani and Ms. DevikaSamant, Advocates**

V

THE STATE **..... Respondent**

Through: **Mr. Yudhvir Singh Chauhan, APP for State with SI Pardeep Kumar, P.S. Mandawali**

CORAM
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T

1. The present criminal revision petition is filed under sections 397/401 of the Code of Criminal Procedure, 1973 (hereinafter referred to as **"the Code"**) read with under section 482 of the Code to set aside the order dated 27.03.2017 (hereinafter referred to as **"the impugned order"**) passed by the court of the District and Sessions Judge, East, Karkardooma Courts (hereinafter referred to as **"the**

appellate court") in Criminal Appeal bearing no. 250/2016 titled as **Mohd. Nasim V The State (Govt. of NCT of Delhi)** and the judgment dated 17.03.2016 (hereinafter referred to as **"the impugned judgment"**) and order on sentence dated 15.07.2016 passed by the court of Metropolitan Magistrate-03, East, Karkardooma Courts (hereinafter referred to as **"the trial court"**) in case arising out of the FIR bearing no.151/2009 registered under sections 279/337 of the Indian Penal Code, 1860 (hereinafter referred to as **"IPC"**) at PS Mandawli Fazad Pur.

2. The relevant facts as reflected from the impugned judgment passed by the trial court are that SI Yad Ram (hereinafter referred to as **"the Investigating Officer"**) after receipt of DD bearing no. 22A dated 10.04.2009 recorded at PS Mandawli Fazad Pur regarding an accident went to the spot where he found that one rickshaw used for carrying goods and a blue line bus bearing registration no. DL 1PB 9786 plying on route no. 534 (hereinafter referred to as **"the offending vehicle"**) were lying in accidental condition. Thereafter, the Investigating Officer went to LBS Hospital where he found that the injured Mahesh (hereinafter referred to as **"the deceased"**) s/o

Bhuri Lal was under treatment. The Investigating Officer recorded the statement of Mohd. Sabir (hereinafter referred to as **"the complainant"**) wherein he stated that on 10.04.2009 at around 03:45 PM at T-point, Narwana Road, near Paradise Apartment, he was coming on rickshaw which was being driven by the deceased and the complainant was also sitting on the said rickshaw. In meantime the offending vehicle which was being driven in a rash and negligent manner, came and hit the rickshaw from the back side. The complainant along with the deceased fell down on the right side of the road due to the collision and the rear tyre of the conductor side of the bus ran over the deceased as a result of which he sustained injuries but the complainant did not sustain any injury. PCR removed the deceased to the hospital. The driver of the bus was also apprehended by the complainant with the help of public and was handed over to the police. Thereafter, the present FIR was got registered under sections 279/337 IPC on the basis of the statement made by the complainant. The Investigating Officer conducted further investigation. The deceased died during the treatment and the post-mortem on dead body of the deceased was conducted. The

Investigating Officer added section 304A IPC due to the death of the deceased. The charge-sheet after conclusion of investigation was filed on 05.11.2009. The concerned court had taken the cognizance and after complying with section 207 of the Code, notice under section 251 of the Code was given to the petitioner/accused/driver Mohd. Nasim (hereinafter referred to as **"the petitioner"**) for the offences punishable under sections 279/304A IPC vide order dated 06.05.2010 to which the petitioner pleaded not guilty and claimed trial. The prosecution to prove the guilt of the petitioner examined 11 witnesses including the complainant as PW-3 and the Investigating Officer as PW-11. The prosecution evidence was ordered to be closed vide order dated 07.07.2012. The statement of the petitioner was recorded under section 313 of the Code read with section 281 of the Code vide proceedings dated 21.07.2012 wherein the petitioner pleaded innocence and false implication. The petitioner also stated that no accident was caused by him. The accident had happened due to the collision between one Toyota Innova car and the rickshaw being driven by the deceased. The deceased as result of the collision, had fallen down near the tyre of his bus and as such he did not have

any role in the accident. The petitioner preferred to lead defence evidence and examined Jawed Khan as DW1. The defence evidence was ordered to be closed vide order dated 29.09.2015.

2.1 The trial court vide the impugned judgment convicted the petitioner for the offences punishable under sections 279/304A IPC and vide order on sentence dated 15.07.2016 sentenced the petitioner to undergo simple imprisonment for a period of 11 months and to pay compensation of Rs. 30,000/- to the legal heirs of the deceased and in default of payment of compensation, to undergo further simple imprisonment for a period of 15 days for the offence punishable under section 304A IPC. The petitioner was also sentenced to undergo simple imprisonment for a period of 3 months and to pay fine of Rs. 1,000/- and in default of payment of fine, to undergo further simple imprisonment for a period of 5 days for the offence punishable under section 279 IPC. Both the sentences were ordered to be run concurrently.

2.2 The petitioner being aggrieved by the impugned judgment and the order on sentence dated 15.07.2016 passed by the trial court preferred a Criminal Appeal bearing CA no. 250/2016 titled as

Mohd. Nasim V The State (Govt. of NCT of Delhi) which was ordered to be dismissed by the appellate court vide the impugned order.

3. The petitioner being aggrieved filed the present petition to set aside the impugned order passed by the appellate court on the grounds that the impugned order is contrary to law and facts of the case. The courts below failed to appreciate that the statement made by PW3/complainant regarding the manner in which the alleged accident took place is contrary to the medical evidence. The place of accident as shown in the site plan did not indicate any possibility of negligence on the part of the petitioner while driving the offending vehicle. The prosecution could not prove the case beyond reasonable doubt. The presence of the eyewitness i.e. PW3/complainant is doubtful on the basis of contradictory evidence led by the prosecution. The Investigating Officer did not include any other public witness who was stated to be present at the time and place of the accident. There were material contradictions in the respective statements of the witnesses examined by the prosecution. The counsel for the petitioner prayed that the impugned order passed by

the appellate court and the impugned judgment and the order on sentence dated 15.07.2016 passed by the trial court be aside and the petitioner be acquitted.

4. The prosecution during trial in support of its case examined the complainant as PW3 who deposed that on 10.08.2009, he along with the deceased was going from Sector 63, Noida to Mandawli on rickshaw and at about 03:45 pm at Khichripur, T-Point, Narwana Road, opposite Paradise Apartment, the offending vehicle came in a rash and negligent manner and hit the rickshaw from the back side as a result of which, the rickshaw being plied by the deceased overturned and as a result of which the rear wheel of the bus ran over the deceased. The petitioner was apprehended at the spot. PW3/complainant also identified his signature on statement Ex.PW3/A. PW3 was cross examined wherein deposed that he had seen the driver of the bus i.e. the petitioner and he again saw the petitioner when the petitioner was apprehended by the public persons. The offending vehicle was full of passengers. PW3/complainant denied the suggestion that the rickshaw was overturned as a result of its collision with one Toyota Innova car. The

prosecution also examined SI (Retd.) Kedar Nath as PW5 who mechanically inspected the offending vehicle on 10.04.2009 vide report Ex.PW5/A and opined that the front bumper center of the left side of the bus was dented and dent was noticed to be fresh. PW7 Dr. Vinay Kumar Singh conducted the post-mortem on the body of the deceased on 11.04.2009 vide report Ex. PW7/A and opined that all the injuries were ante-mortem and the cause of the death was shock due to blunt force impact. PW11/Investigating Officer deposed about the modalities of the investigation conducted by him.

5. The perusal of the impugned judgment passed by the trial court reflects that that the trial court had relied upon the testimony of PW3/complainant who during deposition identified the petitioner as well as the offending vehicle. The trial court also referred the testimony of PW3/complainant who deposed that the petitioner hit the rickshaw with his bus from the back side as a result of which the deceased fell down and came under the rear wheel of the bus. The trial court also observed that the testimony of PW3/complainant is supported by the MLC Ex.PW6/A of the deceased wherein it was reported that the deceased had sustained abrasion over the right lower

quadrant of the abdomen, lacerated wound of 3 cm × 1 cm on right scrotal junction, deep lacerated wound of approximately 3 cm over the perineal region just anterior to the anal opening with active bleeding which proved that the deceased sustained injuries over the middle portion of his body. The trial court did not believe the testimony of DW1 Jawed Khan examined by the petitioner in his defence. The trial court as such had placed reliance on the testimony of PW3/complainant in convicting the petitioner vide the impugned judgment and ultimately opined that the petitioner was driving the offending vehicle in a rash and negligent manner and while doing so, he caused the death of the deceased.

5.1 The appellate court in the impugned order also relied upon the testimony of PW3/complainant wherein he deposed that the petitioner by driving the offending vehicle in a rash and negligent manner caused the accident as a result of which the deceased died. The appellate court also relied upon the testimony of PW5 SI (Retd.) Kedar Nath who conducted the mechanical inspection of the offending vehicle. The appellate court also opined that the offending vehicle had caused the accident due to which the deceased sustained

injuries and died. The appellate court also did not accept the contradictions in the respective testimonies of the witnesses examined by the prosecution and held them to be without any consequence. The appellate court also opined that PW3/complainant was a natural and trustworthy witness.

6. The counsel for the petitioner argued that the petitioner cannot be convicted on the basis of bald statement made by PW3/complainant and there was no evidence on record regarding the speed of the offending vehicle. The testimony of PW3/complainant is not inspiring any confidence and the manner of accident as projected by the prosecution and deposed by PW3/complainant is highly improbable. The prosecution has not examined any other public witness and PW3/complainant was an interested witness being a friend of the deceased and as such his testimony cannot be relied upon. The trial court was not justified in rejecting the testimony of DW1 Jawed Khan. The counsel for the petitioner relied upon **Vinod Kumar V State,** 2011 SCC OnLine Del 4347.

6.1 The Additional Public Prosecutor for the respondent/State argued that the testimony of PW3/complainant was sufficient to

prove the guilt of the petitioner beyond reasonable doubt and the petitioner can be convicted only on the basis of the testimony of PW3/complainant. There is no reason to interfere with the impugned judgment passed by the trial court and the impugned order passed by the appellate court. Hence, the present petition is liable to be dismissed.

7. The counsel for the petitioner argued that the testimony of the PW3/complainant cannot be relied upon as he was an interested witness being a friend of the deceased. PW3/complainant happened to be a friend of the deceased. The issue which needs judicial consideration is that whether the testimony of PW3/complainant being interested witness can be relied upon against the petitioner. The testimony of a related witness can be relied upon if it is found trustworthy and a mere relationship does not disqualify a witness. The interested or related witnesses are as competent to depose the facts as any other witness, however such evidence has to be carefully scrutinized and appreciated before reaching to a conclusion about the guilt of the accused. The Supreme Court in **Masalti V State of U.P.,** (1964) 8 SCR 133 observed that there is no doubt that when a

criminal court has to appreciate evidence given by witnesses who are partisan or interested, it has to be very careful in weighing such evidence. It was further observed that whether or not there are discrepancies in the evidence; whether or not the evidence strikes to the court as genuine; whether or not the story disclosed by the evidence is probable, are all matters which must be taken into account. However, evidence given by such witnesses should not be discarded only on the ground that it is evidence of partisan or interested witnesses and the mechanical rejection of such evidence on the sole ground that it is partisan would invariably lead to failure of justice. The Supreme Court in **Hari Obula Reddi & Others V State of Andhra Pradesh,** AIR 1981 SC 82 held that evidence of interested witnesses is not necessarily unreliable evidence and it cannot be laid down as an invariable rule that the evidence of interested witnesses can never form the basis of conviction unless corroborated to a material extent in material particulars by independent evidence. However, the evidence of interested witnesses should be subjected to careful scrutiny and accepted with caution. The Supreme court in **Pulicherla Nagaraju alias Nagaraja Reddy**

V State of Andhra Pradesh, AIR 2006 SC 3010 observed that it is well settled that evidence of a witness cannot be discarded merely on the ground that he is either partisan or interested or close relative to the deceased, if it is otherwise found to be trustworthy and credible and the said evidence only requires scrutiny with more care and caution, so that neither the guilty escapes nor the innocent is wrongly convicted. It is as such an accepted proposition of law that the testimony of an interested witness can be relied upon if it is otherwise inspiring the confidence of the court and found to be trustworthy. The testimony of PW3/complainant cannot be discarded due to reason that he was known to the deceased being his friend. There is no evidence on record that PW3/complainant was having any ill will or motive against the petitioner to falsely implicate him in present case. The testimony of PW3/complainant is narrative of facts leading to the fatal accident and after careful analysis with caution, it is found to be trustworthy and reliable. The argument advanced by the counsel for the petitioner that the testimony of PW3/complainant cannot be relied upon being an interested witness is without any basis and is accordingly rejected.

7.1 The counsel for the petitioner also argued that the Investigating Officer did not include any other public person in the investigation which is raising doubt as to the prosecution story. It is correct that the Investigating Officer did not include any public person in the investigation who is stated to have witnessed the accident. It is the quality and not the quantity of evidence which is necessary for proving or disproving a fact. The evidence should be cogent, credible and trustworthy. It was observed in **Kuna @ Sanjaya Behera V State of Odisha,** 2017 SCC OnLine SC 1336 that the conviction can be based on the testimony of single eye witness if he or she passes the test of reliability and that is not the number of witnesses but the quality of evidence that is important. The Supreme Court in **Veer Singh & Others V State of UP**, (2014) 2 SCC 455 observed as under:-

> **Legal system has laid emphasis on value, weight and quality of evidence rather than on quantity, multiplicity or plurality of witnesses. It is not the number of witnesses but quality of their evidence which is important as there is no requirement under the Law of Evidence that any particular number of witnesses is to be examined to prove/disprove a fact. Evidence must be weighed and not counted. It is quality and not quantity which determines the adequacy of evidence as has been provided Under** Section 134 **of the Evidence Act. As a general rule the Court can and may act**

on the testimony of a single witness provided he is wholly reliable.

The prosecution does not require number of eye witnesses to prove its case beyond reasonable doubt. Even if there is one eye witness and his testimony is up to the mark, the conviction can be based upon the same. The Supreme Court in **Namdeo V State of Maharashtra,** (2007) 14 SCC 150 held as under:-

> **In the leading case of** Shivaji Sahebrao Bobade v. State of Maharashtra**, (1973) 2 SCC 793, this Court held that even where a case hangs on the evidence of a single eye witness it may be enough to sustain the conviction given sterling testimony of a competent, honest man although as a rule of prudence courts call for corroboration. "It is a platitude to say that witnesses have to be weighed and not counted since quality matters more than quantity in human affairs."** In Anil Phukan v. State of Assam**, (1993) 3 SCC 282 : JT 1993 (2) SC 290, the Court observed; "Indeed, conviction can be based on the testimony of a single eye witness and there is no rule of law or evidence which says to the contrary provided the sole witness passes the test of reliability. So long as the single eyewitness is a wholly reliable witness the courts have no difficulty in basing conviction on his testimony alone. However, where the single eye witness is not found to be a wholly reliable witness, in the sense that there are some circumstances which may show that he could have an interest in the prosecution, then the courts generally insist upon some independent corroboration of his testimony, in material particulars, before recording conviction. It is only when the courts find that the single eye witness is a wholly unreliable witness that his testimony is discarded in toto and no amount of corroboration can cure that defect.**

The testimony of PW3/complainant after being analysed carefully inspires confidence and is trustworthy and can be safely relied upon. The argument advanced by the counsel for the petitioner is without any legal force. There is legal force in the arguments advanced by the Additional Public Prosecutor that the sole testimony of PW3/complainant is sufficient to prove the case of prosecution.

8. This court in **Ajeet Singh V The State Govt. of NCT of Delhi and Another,** CRL.A. 612/2023 decided on 31.10.2023 observed that the witness is considered to be an important factor or integral part of the administration of justice and role of a witness is paramount in the criminal justice system. The witness by giving evidence assists the court in discovery of the truth. The Supreme Court in **Mahender Chawla and Others V Union of India and Others**, (2019) 14 SCC 615 observed that witnesses are important players in the judicial system, who help the judges in arriving at correct factual findings. The instrument of evidence is the medium through which facts, either disputed or required to be proved, are effectively conveyed to the courts. The testimony of PW3/complainant reflects that the offending vehicle was being

driven by the petitioner in a rash and negligent manner. It is also appearing that the place of accident was a crowded place where the petitioner was required to take necessary precautions on the road while driving the offending vehicle. It is also proved by the prosecution that the petitioner while driving the offending vehicle had hit the rickshaw which was being plied by the deceased from the back side which is reflective of the fact that the petitioner was not vigilant with respect to the vehicles/rickshaw being driven on the road ahead of the offending vehicle. The petitioner was under an obligation to take appropriate care on the road particularly towards the rickshaw which was being plied by the deceased. Mere hitting of the rickshaw by the offending vehicle itself reflects negligence on part of the petitioner. The prosecution has led sufficient evidence to establish the guilt of the petitioner beyond reasonable doubt. PW5 SI (Retd.) Kedar Nath in his mechanical inspection report Ex. PW5/A also reported that there was fresh dent on the front bumper center of the left side of the offending vehicle. The post mortem report Ex.PW7/A also proved that the deceased had died because of shock

due to blunt force impact and all the injuries were ante-mortem in nature.

8.1 Every person accused of an offence is presumed to be innocent and burden lies upon the prosecution to establish the guilt of the accused beyond reasonable doubt. The Supreme Court in **Shivaji Sahabrao Bobade and Another V State of Maharashtra**, (1973) 2 SCC 793 emphasized that our jurisprudential enthusiasm for presumed innocence must be moderated by the pragmatic need to make criminal justice potent and realistic. The Supreme Court in **State of U.P. V Shanker**, AIR 1981 SC 897 observed that it is function of the court to separate the grain from the chaff and accept what appears to be true and reject the rest. The Supreme Court in **Gurbachan Singh V Sat Pal Singh and others**, AIR 1990 SC 209 observed that exaggerated devotion to the rule of benefit of doubt must not nurture fanciful doubts or lingering suspicions and thereby destroy social defence. The Supreme Court in **Krishna Mochi and Others V State of Bihar**, (2002) 6 SCC 81 observed that there is sharp decline in ethical values in public life and in present days when crime is looming large and humanity is suffering and society is so

much affected thereby duties and responsibilities of the courts have become much more. It was further observed the maxim “let hundred guilty persons be acquitted, but not a single innocent be convicted” is in practice changing world over and courts have been compelled to accept that “society suffers by wrong convictions and it equally suffers by wrong acquittals”. However, the Supreme Court in **Sujit Biswas V State of Assam,** (2013) 12 SCC 406 also held that suspicion, however grave, cannot take the place of proof and the prosecution cannot afford to rest its case in the realm of "may be" true but has to upgrade it in the domain of "must be" true in order to steer clear of any possible surmise or conjecture. The prosecution from the quality and quantity of evidence led by it proved that the petitioner was driving the offending vehicle rashly and negligently and caused death of the petitioner by accident. The arguments advanced by the counsel for the petitioner as detailed hereinabove were considered in right perspective but are without any legal and factual force. The impugned order passed by the appellate court and the impugned judgment passed by the trial court are justified and do not call for any interference.

9. The petitioner vide the impugned judgment was convicted for the offences punishable under sections 279 and 304A IPC and vide order on sentence dated 15.07.2016 was sentenced to undergo simple imprisonment for a period of 11 months and to pay compensation of Rs. 30,000/- to the legal heirs of the deceased and in default of payment of compensation, to undergo further simple imprisonment for a period of 15 days for the offence punishable under section 304A IPC. The petitioner was also sentenced to undergo simple imprisonment for a period of 3 months and to pay fine of Rs. 1,000/- and in default of payment of fine, to undergo further simple imprisonment for a period of 5 days for the offence punishable under section 279 IPC. Both the sentences were ordered to be run concurrently. As per the nominal roll, the petitioner had remained in judicial custody for 02 months and 09 days. The petitioner has already paid the compensation and fine as per the nominal roll.

9.1 Sentencing is an important task in the future prevention of crime. The criminal law should impose adequate and just sentence after taking into consideration nature and gravity of

the crime. The Supreme Court in **Dalbir Singh V State of Haryana**, (2000) 5 SCC 82 also observed as under:-

> **Sentencing is an important task in the matters of crime. One of the prime objectives of the criminal law is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: the 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.**
> **The principle of proportionality in sentencing a crime-doer is well entrenched in criminal jurisprudence. As a matter of law, proportion between 8 crime and punishment bears most relevant influence in determination of sentencing the crime-doer. The court has to take into consideration all aspects including social interest and consciousness of the society for award of appropriate sentence.**

9.2 The happening of an accident is an unforeseen incident but it cannot be a ground to let off the offender. The accident may render the entire family of the deceased in state of destitution. The Supreme Court in **Dalbir Singh** guarded against leniency in relation to the drivers found guilty of rash driving and observed as under:-

> **When automobiles have become death traps any leniency shown to drivers who are found guilty of rash driving would be at the risk of further escalation of road accidents. All those who are manning the steering of automobiles,**

particularly professional drivers, must be kept under constant reminders of their duty to adopt utmost care and also of the consequences befalling them in cases of dereliction. One of the most effective ways of keeping such drivers under mental vigil is to maintain a deterrent element in sentencing sphere. Any latitude shown to them in that sphere would tempt them to make driving frivolous and frolic.

Bearing in mind the galloping trend in road accidents in India and the devastating consequences visiting the victims and their families, criminal courts cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the PO Act. While considering the quantum of sentence to be imposed for the offence of causing death by rash or negligent driving of automobiles, one of the prime considerations should be deterrence. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in locomotion……. He must always keep in his mind the fear psyche that if he is convicted of the offence for causing death of a human being due to his callous driving of vehicle he cannot escape from jail sentence. This is the role which the courts can play, particularly at the level of trial courts, for lessening the high rate of motor accidents due to callous driving of automobiles.

In **State of Karnataka V Muralidhar**, (2009) 4 SCC 463 the respondent caused fatal accident. The Trial Court sentenced the respondent to rigorous imprisonment for a period of one year with fine for the offence punishable under section 304A IPC. The appeal was dismissed by the Sessions Court. The High Court waived

custodial sentence and only fine was imposed. The Supreme Court referred to the principles related with the offence punishable under section 304A IPC as also the problems associated with the road traffic injuries and found absolutely no reason due to which the High Court waived the custodial sentence awarded to the respondent. The impugned judgment of the High Court was set aside and that of the Trial Court was restored. The Supreme Court in **Abdul Sharif V State of Haryana,** SLA (Criminal) No 13513 of 2016 decided on 21.09.2016 also observed that section 304A IPC should be revisited so that higher punishment can be provided. The punishment provided under section 304A IPC is absolutely inadequate. The Supreme Court in **State of Punjab V Saurabh Bakshi**, (2015) 5 SCC 182 also observed as under:-

> **Before parting with the case we are compelled to observe that India has a disreputable record of road accidents. There is a nonchalant attitude among the drivers. They feel that they are the "Emperors of all they survey". Drunkenness contributes to careless driving where the other people become their prey. The poor feel that their lives are not safe, the pedestrians think of uncertainty and the civilized persons drive in constant fear but still apprehensive about the obnoxious attitude of the people who project themselves as "larger than life". In such obtaining circumstances, we are bound to observe that the lawmakers should scrutinise, relook and revisit the**

sentencing policy in Section 304-A IPC. We say so with immense anguish.

9.3 The present FIR pertains to the year 2009 and the petitioner is facing the legal and judicial proceedings arising of the said FIR since then. The petitioner is stated to be a first time offender and his antecedents are clear. The petitioner belongs to lower strata of the society. The petitioner is stated to be the sole bread earner of his family which also comprises of his old-aged parents. The legal heirs of the deceased have already received suitable compensation. The petitioner has undertaken to reform himself.

9.4 The petitioner due to rash and negligent driving, caused death of the deceased who was a young man at time of the fatal accident. The untimely death of the deceased must have caused irreparable loss to his family. One precious human life was lost due to negligent act of the petitioner. The petitioner was driving a commercial vehicle and was supposed to appropriate take care towards other vehicles plying on road particularly light vehicles.

9.5 After considering all facts, the ends of the justice would be achieved if the sentence awarded to the petitioner for the offence punishable under section 304A IPC is reduced to simple

imprisonment for a period of six months and the remaining sentence awarded vide order on sentence dated 15.07.2016 is maintained. The petitioner is directed to surrender before the trial court on 20.11.2023 at 2:30 PM to serve the remaining part of the sentence.

10. Copy of this judgment be supplied to the petitioner and be also send to the concerned trial court for information.

11. The present petition along with pending applications, if any, is decided accordingly and stands disposed of.

DR. SUDHIR KUMAR JAIN
(JUDGE)

NOVEMBER 3, 2023
SK/AM