
(2018) 01 RAJ CK 0009
In the Rajasthan High Court
Case No : 823 of 2004

Lala Khan

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 25-01-2018

Acts Referred:

[Indian Penal Code, 1860](#), [Section 279](#),
[Section 304A](#) - Rash driving or riding on a public way -
Causing death by negligence

Citation : (2018) 01 RAJ CK 0009

Hon'ble Judges : Sabina

Bench : Single Bench

Advocate : Rahul Agarwal, Sonia Shandilya

Final Decision : Disposed off

Judgement

1. Petitioner had faced trial in FIR No. 62/1991 registered at Police Station Fulera, for offence under Section 279 and 304-A Indian Penal Code,

1860 (hereinafter referred as "IPC"). Trial Court vide judgment/order dated 19.12.1996 ordered the conviction and sentence of the petitioners

under Section 279 and 304-A IPC. Appeal filed by the petitioner was dismissed by the Appellate Court vide order dated 31.08.2004. Hence, the

present petition by the petitioner.

2. Learned counsel for the petitioner has submitted that infact, deceased was crossing the road without observing the traffic rules, at the time of

accident. Accident had taken place in the year 1991. Petitioner is facing the criminal proceedings since then. Learned counsel for the petitioner has

submitted that he does not challenge the conviction of the petitioner as ordered by the courts below, but has submitted that the sentence qua

imprisonment of the petitioner be reduced to the to the period already gone by him. Learned counsel has submitted that petitioner has undergone

more than four months of actual sentence. Petitioner is a poor person and is the sole bread earner of his family.

3. Learned State counsel has opposed the submissions made by the learned counsel for the petitioner.

4. Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the

petitioner to the period already undergone by him.

5. Accordingly, conviction of the petitioner under Section 279 and 304-A IPC is maintained. However, sentence qua imprisonment of the

petitioner is reduced to the period already undergone by him. Petition stands disposed of accordingly.