

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1332 of 2006 (o&M)
Date of Decision: 06.05.2015

Gurmit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Deep Singh, Addl. A.G., Punjab.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Gurmit Singh has challenged his conviction under Section 279, 337 and 304-A IPC. The conviction was recorded in FIR No.144 lodged on 17.08.1999 at Police Station Ropar, District Ropar. The Chief Judicial Magistrate Ist Class, Ropar convicted the petitioner and sentenced him to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine further imprisonment
279 IPC	3 months	-	-
337 IPC	3 months	-	-
304-A IPC	2 years	1000/-	3 months

2. The judgment was affirmed by the Addl. Sessions Judge, Rupnagar vide order dated 14.06.2006. The petitioner was taken in custody to undergo the remaining part of sentence. Dis-satisfied with both the verdicts, present revision has been filed.

2. Vide order dated 07.09.2006, sentence of the petitioner had been suspended by this Court, during the pendency of this revision and concession of bail was granted to him. On 29.04.2015, learned counsel for the petitioner had confined his prayer only to the quantum of sentence.

3. I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

4. The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than 15 years as the incident is of August, 1999 and the petitioner had remained in custody for about 03 months. Learned counsel for the petitioner contends that the sentence of the petitioner may be reduced to the period already undergone by him.

5. The State counsel has opposed the prayer and submits that convict-petitioner drove the vehicle in rash and negligent manner and had caused the accident, as a result of which Annaditta Kanwar and Kartik Kanwar received injuries and Subhash Chander died at the spot and the Courts below have already taken a lenient view.

6. As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned, the occurrence took place on 17.08.1999. The petitioner was convicted by the trial Court vide judgment dated 12.01.2004. His appeal was dismissed by the Sessions Court on 14.06.2006. The petitioner has remained in custody for about 03 months. Striking a balance for the offence under Section 304-A IPC and considering the entire facts and the circumstances, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Section 304-A IPC is reduced to 6 months.

7. Thus, partly allowing the revision, the sentence awarded under Section 304-A IPC is reduced to six months. There would be no modification in the fine. The sentence awarded under Section 279 & 336 IPC would run concurrently with the sentence awarded under Section 304-A IPC.

The petitioner is on bail. He is directed to surrender before the Court of CJM, Ropar within 15 days from the date of passing of this order to undergo remaining part of sentence. Copy of this order be sent to the Courts below.

With the above said modification, the revision petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

06.05.2015
'Sunil Sehgal'