

CRR No.1149-2007

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No.1149-2007

Date of decision: 26.08.2015

Babu Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Robin Singh, Advocate, for
Mr. Ramesh Hooda, Advocate, for the petitioner.

Ms Gaganpreet Kaur, AAG, Haryana.

SABINA, J

Petitioner had faced trial in FIR No.21, dated 15.01.1996, under Sections 279, 337, 338 and 304-A of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Samalkha.

Trial Court vide judgment/order dated 30.07.2005 ordered the conviction of the petitioner qua commission of offence punishable under Sections 279, 337, 338 and 304-A, IPC. The said conviction and sentence of the petitioner were upheld by the Appellate Court in Appeal vide order dated 06.07.2007. Hence, the present petition.

Learned counsel for the petitioner has submitted that as per the prosecution case, the tractor trolley, driven by the

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petitioner had been suddenly turned towards the right side by the petitioner, while the gypsy was overtaking it. A perusal of the site plan reveals that there was no occasion for the petitioner to turn his tractor trolley towards right side as there was no turning at the spot. Moreover, as per the eye witness, there was sufficient space for the gypsy to have overtaken the tractor trolley. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner on merits under Sections 279, 337, 338 and 304-A, IPC, but has submitted that sentence qua imprisonment of the petitioner be reduced. Petitioner is the only bread earner of the family and is facing the criminal proceedings since the year 1996.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner.

Accordingly, conviction of the petitioner under Sections 279, 337, 338 and 304-A, IPC, is maintained. However, sentence qua imprisonment of the petitioner is reduced to rigorous imprisonment for 4 months under Sections 279, 337, 338 and 304-A IPC.

Petition stands disposed of, accordingly.

August 26, 2015
kapil

(SABINA)
JUDGE