

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

**Criminal Revision No.133 of 2007
Date of decision: 21.10.2015**

Jarnail Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for the respondent – State.

Daya Chaudhary, J.

Petitioner-Jarnail Singh faced trial in case FIR No.57 dated 14.03.1999 registered under Sections 279, 304-A, 337 and 338 of the Indian Penal Code (hereinafter called as 'IPC') and was convicted for aforesaid offences vide judgment dated 15.09.2003 passed by the Chief Judicial Magistrate, Muktsar and was sentenced to undergo RI for a period of six months for offence punishable under Section 279 IPC, RI for a period of one year for offence punishable under Section 304-A IPC and to pay fine of ₹1000/- with default clause for offences punishable under Sections 337 and 338 IPC. All the sentences were

ordered to run concurrently.

Aggrieved by the said judgment of conviction and order of sentence dated 15.09.2003, petitioner preferred an appeal before the Additional Sessions Judge (ADHOC) Fast Track Court, Muktsar but the same was dismissed on 13.01.2007 and judgment of conviction and order of sentence passed by the trial Court was upheld.

After losing the case before both the Courts below, the petitioner has filed the present revision petition to challenge the judgments passed by both the Courts below.

When the Court was not inclined to interfere with the conviction, learned counsel for the petitioner has restricted his argument qua to quantum of sentence only by stating that in case, the sentence is reduced to the period already undergone, he would not like to contest the conviction. Learned counsel for the petitioner further submits that the petitioner is a poor person and being the sole bread winner, has a large family to support. The petitioner is facing the agony of trial since the lodging of the FIR i.e., 14.03.1999. Learned counsel for the petitioner also submits that the petitioner is ready to compensate the aggrieved party in monetary terms, in case the sentence is reduced to the period already undergone.

Learned State counsel submits that the judgments passed by both the Courts below are well-reasoned and are based on proper appreciation of evidence. The sentence has also been awarded proportionately to the offences committed by the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the judgments passed by both the Courts below.

Although learned counsel for the petitioner has raised various arguments to challenge the judgment of conviction but ultimately he has restricted his argument qua to quantum of sentence only.

Keeping in view the limited prayer of the counsel for the petitioner that he does not want to contest the judgment of conviction in case, the sentence is reduced to the period already undergone; by considering the fact that the petitioner is facing agony of trial since lodging of FIR i.e., 14.03.1999; being the sole bread winner, has a large family to support; he is also having old parents to support and the fact that he is ready to compensate the aggrieved party in monetary terms, the request of learned counsel for the petitioner is accepted and the conviction of the petitioner is upheld but sentence is reduced to the period already undergone by him subject to deposit of an amount of ₹50,000/- with the trial Court/Duty Magistrate within a period of two months from the date of receipt of certified copy of this order. Out of said amount of ₹50,000/-, an amount of ₹30,000/- shall be paid to the LRs/dependents of the deceased and an amount of ₹5000/- is to be paid to each of the injured.

In case, the petitioner fails to deposit the aforesaid amount within the stipulated period, this revision petition shall be deemed to

have been dismissed and the petitioner shall have to undergo the remaining period of sentence as per judgment passed by the trial Court.

The revision petition is disposed of with the aforesaid modification in sentence by upholding the judgment of conviction.

21.10.2015
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(DAYA CHAUDHARY)
JUDGE