

CRR No.1830-2006

[1]

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

CRR No.1830-2006 (O&M)

Date of decision: 26.08.2015

Devinder Singh @ Kala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ranjit Sharma, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

SABINA, J

Petitioner had faced trial in FIR No.158, dated 03.12.2000, under Sections 304A and 337 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Dhanoula.

Trial Court vide judgment/order dated 03.10.2005 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 337 and 304-A, IPC. The said conviction and sentence of the petitioner were upheld by the Appellate Court in Appeal vide order dated 08.08.2006. Hence, the present petition.

Learned counsel for the petitioner has submitted that in fact two tyres of the truck had burst and as a result the truck was parked on the road. The truck could not be moved as the tyres had burst. As per the eye witnesses, they had not seen the

CRR No.1830-2006

[2]

petitioner at the spot and had seen the petitioner for the first time in the Court. Learned counsel has further submitted that occupants of the car were travelling after attending a wedding ceremony. The driver of the car was under the influence of the liquor but no effort was made to get the said fact verified after he was admitted in the hospital. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner under Sections 337 and 304-A, IPC, but has submitted that sentence qua imprisonment of the petitioner be reduced.

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 337 and 304-A, IPC, is maintained. However, sentence qua imprisonment of the petitioner is reduced from rigorous imprisonment for two years to rigorous imprisonment for one year under Section 304-A, IPC.

Petition stands disposed of, accordingly.

August 26, 2015
kapil

(SABINA)
JUDGE