

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

Crl.Revision No.2173 of 2006
Decided on : 10.02.2015

Gurdial Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MRS.JUSTICE SABINA

Present : Mr.Sudhir Sharma, Advocate
for the petitioner.
Mr.K.S.Aulakh, AAG, Punjab

Sabina, J.

Petitioner has faced trial in FIR No.3, dated 12.01.1999, under Section 304-A/279, of the Indian Penal Code (IPC in short), registered at Police Station Bhogpur, District Jalandhar.

Trial court vide judgment/order dated 28.11.2005 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Sections 279/304-A, IPC. The said conviction and sentence of the petitioner were upheld in appeal by the Appellate Court vide order dated 14.10.2006. Hence, the present criminal revision.

Learned counsel for the petitioner has submitted that the petitioner was not arrested at the spot. As per the eye witness, he already knew the petitioner but the name of the petitioner was not disclosed in the FIR. There was delay of about 04 days in recording of the FIR. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner under Sections 279/304-A, IPC but has submitted that sentence qua

imprisonment of the petitioner be reduced to the period already undergone by him. Petitioner is not a previous convict and is the only bread earner of the family. Petitioner is facing the criminal proceedings since the year 1999.

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

Accordingly, conviction of the petitioner under Section 279/304-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.

[Sabina]
Judge

10.02.2015
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