

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

**CRR No.2211 of 2007.
Decided on : 4.11.2015.**

Raghbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. J.S. Bedi, Sr. Advocate with
Mr. Harpreet Multani, Advocate,
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J.

This revision petition is filed against the judgment dated 14.11.2007, passed by the Additional Sessions Judge, Tarn Taran and the judgment of conviction and the order of sentence dated 9.1.2007, passed by the Sub-Divisional Judicial Magistrate, Patti vide which the accused was convicted and sentenced as under:-

Offence	Sentence	Fine	In default
279 IPC	RI for 6 months	Rs.200/-	RI for 15 days
304-A IPC	RI for 1 ½ years	Rs.600/-	RI for 2 months

The substantive sentences were ordered to run concurrently.

Brief facts of the case of prosecution as noticed in

the judgment passed by the Additional Sessions Judge are as under:-

“On 22.12.2000 ASI Bhupinder Singh along with his police companions was present at Bus Stand of village Kairon where complainant Neelam Kumar got recorded his statement that Mangal Ram son of Gurcharan Singh was related to him and he was an employee in Police Department at Chandigarh. Mangat Ram was driving scooter No. PB02-V-0479. The complainant and his sister Jyoti Bala were sitting behind him on the said scooter. They were going to Tarn Taran. When they reached near Bus Stand village Jaura, Punjab Roadways bus bearing No. PB-12-9208 came from the opposite side which was being driven by Raghbir Singh son of Gurdit Singh resident of Tarn Taran (Appellant) rashly and negligently without blowing horn at a very high speed. He struck his bus against the aforesaid scooter. They fell down. Mangat Ram was run over by the front side tyre of the Bus. The bus after striking the scooter dashed against the eucalyptus trees. Raghbir Singh driver of the bus also received injuries. After recording the statement of the complainant, ASI Bhupinder Singh visited the place of accident. He prepared the site plan and took the bus and the scooter in police possession. He arrested

the accused. On receipt of post mortem report and completion of investigation, he submitted the challan in the Court against the appellant.”

The provisions of Section 207 Cr.P.C were complied with and the accused was supplied the copies of challan and other documents, free of cost.

After holding trial, the learned trial Magistrate convicted the accused under Sections 279, 304-A and 337 IPC. The accused preferred an appeal before the Additional Sessions Judge. The Additional Sessions Judge vide the impugned judgment partly accepted the appeal and the conviction of the accused under Section 337 IPC was set aside.

Still feeling dis-satisfied, the accused has filed the present revision petition.

At the outset, learned counsel for the petitioner submits that he does not challenge the judgment of conviction on its merit rather he prays for reduction of sentence to some reasonable extent keeping in view the fact that the petitioner is 73 years old and suffering from many age old related health problems. He has already undergone the actual sentence of 3 months. The petitioner has been facing the agony of protracted criminal proceedings for the last fifteen years as the present FIR was registered on 22.12.2000. He is not involved in any other FIR and never misused the concession of bail.

Keeping in view the afore-mentioned mitigating

circumstances, this Court is of the opinion that the ends of justice would be sufficiently met in case the sentence of the petitioner is reduced to six months. It is ordered accordingly. However, the same shall be subject to payment of Rs.2 lacs to be paid as compensation to the wife of the deceased and in her absence to the legal heirs of the deceased within two months of the receipt of the certified copy of the judgment. The sentence of fine shall remain intact. In case the amount of compensation is not paid within the stipulated period, the revision petition would be deemed to be dismissed without further orders.

4.11.2015.
SN

(JITENDRA CHAUHAN)
JUDGE