

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 377 of 2007 (O&M)
Date of decision: 24.8.2015

Hardip Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Dadwal, Advocate
for the petitioner.

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

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 304-A of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 76 dated 16.3.1998, registered at Police Station Civil Lines, Ludhiana. Trial Court vide judgment/order dated 28.9.2005 ordered the conviction and sentence of the petitioner under Section 304-A IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 21.12.2006. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that as per the prosecution case itself, there was great rush at the place of occurrence. The backside of the bus in question had allegedly struck against the deceased and as a result, she had fallen and come under the rear tyre of the bus. In fact, as per the

complainant himself, his wife had fallen ill and he had taken her to the hospital. While he was returning home, the occurrence had taken place. It was possible that the wife of the complainant had fallen of her own due to her illness. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner under Section 304-A IPC but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Petitioner has undergone more than seven months of actual sentence. Petitioner is the only bread earner of his family and is not a previous convict.

Keeping in view the facts and circumstances of the present case, 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 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**

August 24, 2015

Gurpreet