

Crl. Revision No.590 of 2006

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

Crl. Revision No.590 of 2006
Date of decision: 13.05.2015

Mukhtiar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Jagbir Singh Brar, Advocate, for the petitioner.
Mr. S.S. Chandumajra, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Present criminal revision has been preferred by the petitioner against judgment dated 07.02.2006 passed by the learned Additional Sessions Judge, Fast Track Court, Ludhiana, whereby an appeal preferred by the petitioner has been dismissed and judgment of conviction and order of sentence dated 23.08.2002 passed by the learned Sub Divisional Judicial Magistrate, Samrala, has been upheld whereby petitioner has been sentenced as under:

<i>“U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>304-A IPC</i>	<i>1 year R.I. & ₹ 2000/-</i>	<i>1 month S.I.</i>
<i>279 IPC</i>	<i>R.I. for three months & ₹ 500/-</i>	<i>1 month S.I.</i>
<i>337 IPC</i>	<i>R.I. for three months</i>	
<i>427 IPC</i>	<i>R.I. for three months”</i>	

All the sentences have been ordered to run concurrently.

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I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioner states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for the last 17½ years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 1997 and since then a period of 17½ years has elapsed. The petitioner has suffered the ordeal for long period.

In view of the arguments advanced by learned counsel for the petitioner, which have been noted above, this Court is of the view that it is a fit case wherein substantive sentence awarded to the petitioner under Section 304-A IPC can be reduced by burdening the petitioner to pay compensation. Accordingly, sentence under Section 304-A IPC is reduced from one year to six months, subject to deposit of compensation of ₹ 20,000/- under Section 357 Cr.P.C with the trial Court, which shall be paid to the LRs of the deceased, in addition to the fine/compensation already imposed by the Courts below. Conviction and sentence under

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the remaining Sections of the IPC is, however, upheld. Petitioner is stated to be on bail. His bail bonds stand cancelled. He is directed to surrender forthwith before the Duty Magistrate/trial Court, Samrala, who will send him to judicial custody to serve the remaining sentence. In case petitioner does not surrender, the Duty Magistrate/trial Court, Samrala shall issue his warrants of arrest. The impugned judgment of conviction and order of sentence, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine/compensation is not deposited, the petitioner will serve the remaining part of sentence.

With the above observations/modification of impugned order, present revision petition is disposed of.

(Paramjeet Singh)
Judge

May 13, 2015
R.S.