

CRR-527-2007

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRR-527-2007

Date of Decision: 19.08.2015

Gyarshi Lal

...Petitioner

Versus

State of Haryana

...Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: *Mr. Tapan Yadav, Advocate,
for the petitioner.*

M. Gaganpreet Kaur, AAG, Haryana.

**

Sabina, J.

Petitioner had faced trial in FIR No.437 dated 01.07.1997 under Sections 279 and 304-A of the Indian Penal Code, 1860 (for short 'IPC').

Trial Court vide judgment/order dated 13.08.2004 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 279 and 304-A IPC. The appeal filed by the petitioner against the judgment/order of his conviction and sentence was dismissed by the Appellate Court vide order dated 07.03.2007. Hence, the present petition.

Learned counsel for the petitioner has submitted that from the cross-examination of the complainant it was evident that the petitioner was already present in the police

CRR-527-2007

[2)

station when he reached there. Thus, the complainant had not witnessed the occurrence. 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 and 304 IPC, but has submitted that the sentence qua imprisonment of the petitioner be reduced. Petitioner is facing the criminal proceedings since the year 1997. The legal heirs of the deceased have been awarded compensation under the Motor Vehicles Act, 1988. Petitioner is the only bread earner of the family and is not a previous convict.

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.

Accordingly, conviction of the petitioner under Sections 279 and 304-A, IPC, as ordered by the Courts below is maintained. However, sentence qua imprisonment of the petitioner is reduced from rigorous imprisonment of 1½ years to rigorous imprisonment for six months under Section 304-A IPC.

Petition stands disposed of accordingly.

August 19, 2015
kapil

(SABINA)
JUDGE