IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 609 of 2007 (O&M)
Date of decision : September 09, 2015

Dharambir

..... Petitioner

v.

State of Haryana

..... Respondent

***

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. Sunil Saharan, Advocate
for Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Supriya Arora, AAG Haryana

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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Ajay Tewari, J (Oral)

This revision petition has been filed by the petitioner against his concurrent conviction under Sections 279/304-A of the IPC.

The instant case was registered on the statement of the eye witness Parkash Chand who stated that on 11.4.1996, at about 4 pm when he was reaping his wheat crops in the Panchayat land of village Pinjupura, he saw that a Haryana Roadways bus which was coming from Kalayat side collided head on with a car which was coming from Narwana side and all the three occupants of the car died at the spot. After conclusion of the trial, the petitioner was convicted under under Sections 279/304-A of the IPC by

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the trial Court and sentenced to undergo RI for six months under Section 279 of the IPC, and to undergo RI for two years and to pay a fine of ₹ 3000/- under Section 304-A of the IPC, in default of payment of fine to undergo further RI for three months. The petitioner filed an appeal and the same having been dismissed, he is before this Court.

At the very outset, counsel for the petitioner has stated that he does not press this petition on merit but prays that a lenient view may be taken in respect of the sentence awarded to the petitioner, since he has been suffering the agony of these proceedings for the last almost twenty years, and that no other case is pending or registered against the petitioner.

Counsel for the respondent has sought to argue that the findings arrived at by the Courts below convicting the petitioner are justified. She has relied upon State of Punjab v. Saurabh Bakshi, 2015(2) RCR (Criminal) 495 to contend that the Hon'ble Supreme Court has categorically laid down that these offices are serious in nature and, therefore, such lenience cannot be shown.

Keeping in view the entire facts and circumstances of the case, I deem it appropriate to accept the limited prayer of counsel for the petitioner. Consequently, even while maintaining the conviction of the petitioner, the sentence of the petitioner is reduced to RI for one year. With this modification in the sentence, this revision petition is disposed of.

(AJAY TEWARI)
JUDGE

September 09, 2015
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