

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 801 of 2007
Date of decision: 25.8.2015

Nirmal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.B.S.Gill, Advocate
for the petitioner.

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

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 279, 337, 338, 304-A of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 257 dated 15.8.1997, registered at Police Station Sadar Patiala. Trial Court vide judgment/order dated 12.9.2003 ordered the conviction and sentence of the petitioner under Section 279, 337, 304-A IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal. The Appellate Court vide order dated 28.4.2007, upheld the conviction of the petitioner as ordered by the Trial Court but reduced the sentence of the petitioner from rigorous imprisonment for two years to rigorous imprisonment for 1½ years under Section 304-A IPC. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that the matter was duly investigated by the General Manager, PRTC

and it was found that the petitioner was not at fault. During investigation of the case, it had transpired that a rickshaw puller had also suffered injuries in the occurrence. The said rickshaw puller had appeared in the witness box as DW-1 and had stated that the petitioner was not at fault. Be that as it may, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner under Section 279, 337, 304-A IPC but has submitted that sentence qua imprisonment of the petitioner be reduced. Petitioner is facing the criminal proceedings since the year 1997. Petitioner is the only bread earner of the 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.

Accordingly, conviction of the petitioner under Section 279, 337, 304-A IPC is maintained. However, sentence qua imprisonment of the petitioner qua commission of offence punishable under Section 304-A IPC is reduced from rigorous imprisonment for 1½ years to rigorous imprisonment for nine months.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

August 25, 2015

Gurpreet