

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 995 of 2007 (O&M)

Date of decision : September 09, 2015

Pirithi Singh,

..... Petitioner

v.

State of Haryana,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Angel Sharma, Advocate
for Mr. Anurag Jain, Advocate
for the petitioner.

Ms. Supriya Arora, AAG Haryana

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 ?**

Ajay Tewari, J (Oral)

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

The instant case was registered on the statement of the eye witness Kulwant Singh who stated that on 31.10.1997 at about 1.30 pm, he saw the offending TATA 407 vehicle being driven by the accused/petitioner in a rash and negligent manner hit the motor cycle, as a result of which the motor cyclist fell down, and later-on succumbed to his injuries. After conclusion of the trial, the petitioner was convicted under under Sections 304-A/279 of the IPC by the trial Court and sentenced to undergo RI for one year and to pay a fine of ₹ 2000/- under Section 304-A of the IPC, in default of payment of fine to undergo further RI for one month but was not

sentenced under Section 279 of the IPC. The petitioner filed an appeal and the same having been dismissed, he is before this Court.

Custody certificate of the petitioner by way of affidavit of J.S Sethi, Superintendent District Jail, Sirsa has been placed on record. As per the same, the petitioner has undergone 4 months and 26 days of actual sentence.

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 eighteen years. As per the custody certificate, no other case is pending or decided 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 offences 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 and dismissing this petition, the sentence of the petitioner is reduced to the period which he has already undergone.

(AJAY TEWARI)
JUDGE

September 09, 2015
`kk'

