

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 3294 of 2009
Date of decision: 16.9.2015**

Rakesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.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, 304-A of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 385 dated 29.9.2002, registered at Police Station Sadar Jalandhar. Trial Court vide judgment/order dated 9.7.2009 ordered the conviction and sentence of the petitioner under Section 279, 304-A IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 14.10.2009. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner was not arrested at the spot. No test identification parade had been got conducted to establish the identity of the petitioner. Petitioner was not the owner of the vehicle in question.

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, 304-A IPC but has submitted that sentence qua imprisonment of the petitioner be reduced. Petitioner is the only bread earner of the family and is facing the criminal proceedings since the year 2002. Petitioner is not involved in any other criminal case.

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 from rigorous imprisonment for one year to rigorous imprisonment for six months under Section 304-A IPC.

Accordingly, conviction of the petitioner under Section 304-A IPC is maintained. However, sentence qua imprisonment of the petitioner under Section 304-A IPC is reduced from rigorous imprisonment for one year to rigorous imprisonment for six months

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

September 16, 2015

Gurpreet