

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRR-3296-2013
Date of decision:24.03.2015

Sahib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Vineet Sharma, Advocate for the petitioner.

Ms.Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner has approached this Court against the impugned judgment dated 21.9.2013 passed by the learned Additional Sessions Judge, Tarn Taran, whereby appeal of the petitioner against the judgment of conviction and order of sentence both dated 1.6.2012 passed by the learned Sub-Divisional Judicial Magistrate, Patti, was dismissed and the conviction as well as sentence was upheld.

Brief facts of the case are that on 24.11.2007 ASI Karnail Singh, along with other police officials, was present at Chowk of village Chuslewar in connection with patrolling. Complainant Shri Lakhpal Singh came present and got recorded his statement to the effect that on that day i.e. 24.11.2007, marriage of his son was fixed and BARAT was to go to Bhikhiwind. The BARAT was going in Mini Bus towards village Bhikhiwind. At about 12/12.30 noon, along with the BARAT of Sarabjit Singh son of the complainant, Kuldeep Singh nephew of the complainant

were also going on motorcycle ahead of them. The complainant was sitting on the front seat of the Mini Bus which was following the motorcycle. Sarabjit Singh was driving the motorcycle and Kuldeep Singh was the pillion rider. One more motorcycle was going along with the motorcycle of the son of the complainant. In the meantime, one truck bearing No. PB-02-C-9967 driven by Sahib Singh accused came in rash and negligent manner and accused struck the same into the motorcycle of the son of the complainant, due to which the motorcycle of the son of the complainant turned backward at once and struck into the other motorcycle. Kuldeep Singh and Sarabjit Singh died at the spot and the occupants of the other motorcycle also got injuries. This accident was occurred due to the rash and negligence driving of the driver of the truck at a very high speed. On the basis of the statement, present FIR was registered. Investigation was conducted. Statement of witnesses were recorded.

Police report under Section 173 Cr. P.C. having been presented in the court, copies thereof were supplied to the accused free of costs, as required under Section 207 Cr.P.C.. Having found a prima facie case, charge was framed against the accused for committing offence under Sections 279, 304-A, 337 and 338 IPC. The accused pleaded not guilty and claimed trial. With a view to prove its case, prosecution examined as many as five prosecution witnesses, besides tendering relevant documents in evidence. After closing of the prosecution evidence, statement of the accused was recorded under Section 313 Cr.P.C., while putting the entire incriminating to him. The accused denied his involvement and pleaded false implication. However, the accused did not lead any evidence in defence.

After hearing the learned counsel for the parties and going through the record of the case, the learned trial Court came to the conclusion that the prosecution has proved its case to the hilt by leading cogent and convincing evidence. Accordingly, the accused was held guilty and convicted for the offences punishable under Section 279 and 304-A, 337 and 338 IPC vide impugned judgment of conviction dated 1.6.2012. Thereafter, vide impugned order of sentence dated 1.6.2012, the learned Sub-Divisional Judicial Magistrate, Patti, sentenced the convict as under:-

<i>Under Section</i>	<i>Sentence R.I.</i>	<i>Fine (Rs.)</i>	<i>In default S.I.</i>
304-A IPC	Two years	5000/-	15 days
279 IPC	Six months	1000/-	15 days
337 IPC	Six months	500/-	15 days
338 IPC	One year	1000/-	15 days

Dissatisfied with the judgment of conviction and order of sentence of even date i.e. 1.6.2012 passed by the learned Sub-Divisional Judicial Magistrate, Patti, the convict filed his appeal before the learned Sessions Court, which came to be dismissed by the learned Additional Sessions Judge, Tarn Taran, vide his impugned judgment dated 21.9.2013. Hence this criminal revision petition.

When the case came up for hearing on 19.12.2013, learned counsel for the petitioner submitted that he does not intend to press this revision petition with regard to conviction of the petitioner. He restricted his prayer to consider the present criminal revision petition only qua the quantum of sentence of the petitioner. Accordingly, notice of motion was issued regarding quantum of sentence only.

Custody certificate by way of affidavit dated 23.3.2015 was filed by the learned counsel for the State.

Learned counsel for the petitioner, at the very outset, submits that as per custody certificate dated 23.3.2015, petitioner had already been released on his undergoing the entire sentence. Accordingly, he submits that let the present petition be disposed of, in terms of the custody certificate.

Faced with the above, learned counsel for the State submits that custody certificate was a matter of record and present petition may be disposed of, in terms thereof.

Having heard the learned counsel for the parties, after careful perusal of record of the case and particularly the custody certificate filed by way of affidavit dated 23.3.2015 of Davinder Singh Randhawa, Superintendent Sub-Jail, Patti, this Court is of the considered opinion that the instant revision petition does not survive any further and the same deserves to be disposed of, accordingly.

The note given in bold letters on the first page of the custody certificate dated 23.3.2015, reads as under:-

“The said convict has been released on 24.2.2015 on completion of his sentence after giving the benefit of under trial period, remission and fine paid (Rs.12,000) in the learned court of Sh.Pritpal Singh, S.D.J.M., Patti on dated 01.06.2012.”

Keeping in view the peculiar facts and circumstances of the case noticed hereinabove particularly the above-said note reproduced from the custody certificate, present revision petition is disposed of.

24.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE