

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-1095-2014(O&M)

Date of decision : 13.01.2015

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr.Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.

Through the present petition, Surjit Singh (convict) has assailed his conviction and sentence for commission of offence punishable under Sections 279 and 304-A of the Indian Penal Code (in short 'IPC').

On April 03, 2014, notice of motion was issued only in regard to quantum of sentence.

Counsel for the petitioner contends that the petitioner has sufficiently suffered for the offence charged against him. It is submitted that he has undergone trauma of criminal proceedings for the past more than seven years. He has suffered actual custody for a period of five months and twenty four days. It is prayed that substantive sentence awarded to the petitioner for both the offences may be reduced to the period already undergone.

Counsel for the State, on the other hand, would submit that rash and negligent act of the petitioner while driving the offending vehicle has

resulted in abrupt termination of life of a woman who was about 35 years old. The Courts below have shown sufficient leniency while awarding sentence of rigorous imprisonment for a period of one year for offence punishable under Section 304-A IPC. It is argued that there are no mitigating circumstances to reduce the substantive sentence.

I have heard counsel for the parties and perused the records.

A bare reading of the materials on record would make it evident that the criminal proceedings were initiated against the petitioner with the lodging of FIR No.76 dated 17.08.2007 and, therefore, the petitioner has suffered agony of criminal trial for the past about 7½ years. Custody certificate filed in the Court reveals that he has suffered actual custody for a period of five months and twenty four days after conviction as the offences for which he has been booked are bailable. There is no other criminal case registered or pending against the petitioner. However, it remains a fact that rash and negligent driving on the part of the petitioner resulted in death of a young lady causing unimaginable loss to her family.

Taking into consideration cumulative effect of the fact and circumstances discussed hereinbefore, the substantive sentence awarded to the petitioner for offence punishable under Section 304-A IPC is reduced to rigorous imprisonment for a period of nine months.

The petition stands disposed of with modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

January 13, 2015.
Davinder Kumar