



below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 20.4.2012, complainant Gurpreet Singh son of Jaswant Singh, resident of Tej Nagar, Amritsar, made a statement to ASI Sukhdev Singh to the effect that he was doing transport business. On that day, he alongwith his uncle Satnam Singh, paternal aunt (*Bua*) Balwinder Kaur and mother Charanjit Kaur were going to attend *Bhog* of Shri Akhand Path Sahib in the house of their relative at village Padhri. His uncle Satnam Singh and paternal aunt Balwinder Kaur were going ahead of them on black Splender motor cycle bearing registration No.PB-02-AU-8603, whereas he alongwith his mother was following them on a separate motor cycle. At about 11.00 A.M. when they covered a distance of about one kilometer from village Ibban, a white coloured vehicle (*Chhota Hathi*) bearing registration No.PB-02-BP-9722, driven

by its driver at a high speed and without blowing any horn was seen coming from the front side, who struck the same against the motor cycle of Satnam Singh, as a result of which said motor cycle fell down and both Satnam Singh and Balwinder Kaur died at the spot. Later on, it was revealed that the offending vehicle was being driven by Jagjit Singh (petitioner herein). On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 279 and 304-A IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under sections 279 and 304-A IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Sessions Judge, Amritsar on 9.12.2014.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor persons and main bread winner of his family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Ravinder Kumar Sharma, Superintendent, Central Jail, Amritsar, according to which the petitioner had undergone total custody of 07 months and 29 days including remission.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 01 year and 02 months, but the petitioner is burdened with a fine of Rs.60,000/- to be paid as compensation to the legal heirs of deceased Satnam Singh and Balwinder Kaur. The fine be deposited within three months from the date of receipt of certified copy of this order. However, in case fine aforesaid is not deposited within the stipulated

period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

10.8.2015  
'rajpal'