

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**Crl. Revision No. 1817 of 2015(O&M)
Date of Decision: 07.12.2015**

Buta Singh

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. D.S. Dalee, Advocate
for the petitioner.**

Mr. Gurveer Sidhu, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried and convicted under Sections 279, 304-A IPC. The allegations were that on 06.08.2009 he drove bus bearing registration No. PB-23-7995 rashly and negligently and caused the accident, in which Iqbal Singh died while some others sustained injuries.

Though, the case of the accused was of denial, but the learned trial Court, on appraisal of the evidence on record, convicted the accused under Sections 279 and 304-A IPC and sentenced him to undergo rigorous imprisonment of six months and two years respectively and to pay a fine of Rs. 500/- and Rs. 1000/- under both the heads, in default of which to undergo rigorous imprisonment for seven days and fifteen days respectively. Both the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed. Hence, this revision petition.

On 05.10.2015, when this revision petition came up for hearing, learned counsel for the petitioner had not touched the merits of the case and had confined his submissions to the quantum of sentence

imposed upon the petitioner. Therefore, the notice was issued on the limited question of quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the petitioner has undergone the agony of a protracted trial and all this exercise took about six years. He further submits that the petitioner is in custody for the last about seven months and is a first offender.

On the other hand, learned State counsel had opposed the prayer.

Undisputedly, the occurrence pertains to the year 2009 and since then the petitioner has suffered agony of trial as well as appeal before the appellate Court. But, at the same time, innocent person had lost his life and increased the sufferings of the family of the deceased.

Keeping the circumstances into view, sentence of the petitioner is reduced to the period already undergone under Section 304-A IPC. The sentence of fine would remain unchanged. If the fine is not deposited, it would be deposited within two months failing which he would undergo the default sentence. Copy of the order be sent to the concerned CJM.

With the above modification, the instant revision petition stands disposed of.

December 07, 2014

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**(ANITA CHAUDHRY)
JUDGE**