

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1840 of 2015
Date of decision : 12.10.2015

Pushpinder Singh
....Petitioner

V/s

State of Punjab
....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bhandohal, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner Pushpinder Singh had been convicted by the
Judicial Magistrate 1st Class, Sunam under sections 279, 337, 338,
304-A and 337 IPC and was sentenced to undergo imprisonment as
under:-

Offence	Sentence
279 IPC	To undergo R.I. for six months and to pay fine of ₹500/- and in default of payment of fine to further undergo R.I. for one month.
337 IPC	To undergo R.I. for six months and to pay fine of ₹500/- and in default of payment of fine to further undergo R.I. for one month.
338	To undergo R.I. for six months and to pay fine of ₹500/- and in default of payment of fine to further undergo R.I. for one month.
304-A	To undergo R.I. for one year and to pay fine of ₹1000/- and in default of payment of fine to further undergo R.I. for one month.

The petitioner preferred appeal against the judgment of
his conviction/sentence, which was dismissed by Additional Sessions
Judge, Sangrur, vide judgment dated 29.04.2015. Feeling

aggrieved against the judgments of both the courts below, 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 05.02.2012, at about 5.30 p.m. one Baldev Singh was coming on his bicycle from village Gharat. When he reached in front of a Dhaba near Ghuman Palace, a white coloured Tavera car bearing no. HR-22-F-6530 driven by the accused (petitioner herein) in a rash and negligent manner came at a high speed. By coming on wrong side, said vehicle hit the bicycle of Baldev Singh. Resultantly, he suffered multiple injuries. He was admitted in Civil hospital, Sangrur. Thereafter, he was referred to Rajindra hospital, Patiala where he succumbed to his injuries. 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 279/337/338/304-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 fourteen 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, learned trial court held the petitioner guilty of the charges under sections 279/337/338/304-A IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Sangrur on 29.04.2015.

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 person 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 Kulwant Singh, Dy. Superintendent, District Jail, Barnala, according to which the petitioner had undergone custody of 05 months and 10 days as on 09.10.2015 and he has also earned remission of 01 month and 25 days.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 09 months. However, the fine imposed by the trial court shall remain intact. Ordered accordingly.

The amount of fine if not already paid shall be deposited within three months from the date of receipt of certified copy of this order. However, in case fine 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.

October 12, 2015

Ajay

(RAJAN GUPTA)
JUDGE