

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

Crl. Revision No.2258 of 2014 (O&M)
Date of decision: 23.7.2015

Gopal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Dhaliwal, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J. (oral)

Petitioner Gopal Singh had been convicted by the Judicial Magistrate Ist Class, SAS Nagar, Mohali, under sections 279/304-A IPC and was sentenced to undergo RI for six months under section 279 IPC and further to undergo RI for two years and to pay a fine of Rs.1000/- under section 304-A IPC.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by the Sessions Judge, SAS Nagar, Mohali, vide judgment 21.5.2014.

Feeling aggrieved against the judgments of both the courts 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 15.5.2007, complainant Yashpal Singh was returning from Gurudwara Sahib on scooter No.CH-03-N-2267 to his house and her sister Jasmeet Kaur was following him on separate Activa Scooter No.CH-0N-8039. At about 6.00 A.M. when they reached near Milk Plant, Mohali, the offending Canter bearing No.HP-63-0995 being driven by its driver (petitioner herein) in a rash and negligent manner, came from behind and hit Activa Scooter of his sister Jasmeet Kaur and dragged her to a considerable distance. The Canter stopped after covering some distance and its driver fled from the scene. Jasmeet Kaur sustained serious injuries. She was taken to a private hospital from where she was referred to Civil Hospital Phase-VI, SAS Nagar, Mohali. In view of her serious condition, she was further referred to PGI, Chandigarh where she died at 7.45 P.M. 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, 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 five witnesses.

The statement of the accused under Section 313 Cr.P.C. were recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. He, however, did not produce any evidence 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 Additional Sessions Judge, SAS Nagar, Mohali, vide order dated 21.5.2014.

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 and not previous convict. 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.

As per affidavit dated 8.4.2015 of Joga Singh Sekhon, Superintendent, New District Jail, Nabha filed in court on April 09, 2015, petitioner had undergone custody of 10 months and 15 days as on 8.4.2015.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 1½ years. However, fine imposed shall remain intact.

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

(RAJAN GUPTA)
JUDGE

23.7.2015
'rajpal'