

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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**Crl. Rev. No. 2324 of 2014 (O&M)**

Date of decision : January 30, 2015

\* \* \* \* \*

Dharminder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

\* \* \* \* \*

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

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Present: Mr. Ashish Gupta, Advocate for the petitioner

Mr. Gurveer Sidhu, AAG, Punjab.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

**RITU BAHRI, J**

Present revision petition has been filed against the judgment dated 7.7.2014 passed by the Additional Sessions Judge, Patiala, whereby an appeal against the judgment of conviction and order of sentence dated 29.10.2013 passed by the Judicial Magistrate First Class, Nabha was dismissed. Vide the trial Court judgment, the petitioner was convicted under Section 279 and 304-A IPC and sentenced to undergo SI for a period of one year and to pay fine of Rs.1000/- under Section 304-A IPC and to undergo SI for three months and to pay a fine of Rs.500/- under Section 279 IPC.

The brief facts of the prosecution case were that the

present case was registered on the statement of made by Rajwinder Singh son of Hakarm Singh that on 2.11.2011, he and his elder brother Harpreet Singh along with their cousin Sandeep Singh were returning from their fields on their motorcycle. His brother Harpreet Singh was going ahead of them on his motorcycle bearing registration No. PB-23K-4440. At about 7:00 p.m when they reached at Tohra Charnarthal road, a tractor trolley came from Charnarthal side which was being driven in a rash and negligent manner. The driver of the tractor trolley hit the tractor trolley against the motorcycle of his brother Harpreet Singh, as a result of which Harpreet Singh fell down and died at the spot itself. The accident took place due to rash and negligent driving of tractor trolley by its driver. In this background, FIR was registered. On completion of the investigation and other necessary formalities, challan was presented in the Court.

After presentation of challan, charges under Sections 279 and 304-A IPC were framed against he accused-petitioner, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined as many as eight witnesses and thereafter, the evidence of the prosecution was closed.

Statement of accused under Section 313 Cr.P.C was recorded, wherein entire incriminating evidence appearing against him was put to him, however, he denied the same and pleaded innocence and false implication in the case. In his defence, accused examined Pardeep Singh as DW-1.

The trial Court after going through the entire evidence led by the prosecution convicted and sentenced the accused-petitioner in the aforesaid terms.

Learned counsel for the petitioner, at the outset, does not challenge the order of conviction on merits and restricts his prayer to the quantum of sentence.

Counsel for the petitioner has placed on record the copy of the award dated 7.8.2013, whereby the Motor Accident Claim Tribunal, Fatehgarh Sahib has awarded Rs.11,77,000/- with interest @ 8% per annum from the date of filing the claim petition i.e 17.5.2012 till realization in favour of the claimants and against the respondents to the legal heirs of the deceased taking his age to be 32 years.

On 23.9.2014, sentence of the petitioner was suspended subject to deposit of Rs.20,000/- before the trial Court. Thereafter vide order dated 4.11.2014 of this Court petitioner was directed to deposit Rs.20,000/- more before the trial Court towards compensation. Finally on 23.12.2014, petitioner was again directed to deposit Rs.25,000/- more before the trial Court. In all Rs.65,000/- were deposited by the petitioner with the trial Court.

Having examined the impugned judgments, no illegality, much less irregularity has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

Keeping in view that the petitioner has been facing the

agony of a protracted criminal trial for the last 4 years and he is not a previous convict, the sentence of the imprisonment awarded to the petitioner is reduced to the period already undergone. However, the amount of compensation i.e a sum of Rs.20,000/- more shall be deposited by the petitioner to make it total amounting to Rs.85,000/- before the trial Court within a period of 4 weeks, which shall be disbursed to the legal heirs of the deceased.

With the above modification, the petition stands disposed of.

January 30, 2015  
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**( RITU BAHRI )**  
**JUDGE**