

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Revision No. 2520 of 2015 (O&M)

Date of Decision: 22.12.2015

Lakhwinder Singh

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Ms. Rakhi Sharma, Advocate
for the petitioner.**

Mr. Deep Singh, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Sub Divisional Judicial Magistrate, Sunam under Sections 279 and 304-A IPC on the allegations that on 22.08.2009 he drove tempo bearing registration No. HR38-P-2277 rashly and negligently and caused accident, which resulted in death of Amarjit Kaur.

The prosecution produced six witnesses during trial.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 279 and 304-A IPC and substantively sentenced him to undergo rigorous

imprisonment of six months and two years respectively under the aforesaid heads. Fine of Rs.2000/- was imposed under Section 304-A IPC, in default of which further rigorous imprisonment for two months was awarded. Both the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed on 16.04.2015. Hence, this revision petition.

On 22.09.2015 when this revision petition came up for hearing, learned counsel had restricted his prayer only on the quantum of sentence and notice was issued on the limited question 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 occurrence is of the year 2009 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took more than five years. He submits that the petitioner himself took the injured to the hospital. He further submits that the petitioner is in custody for the last about eight months and he is the only bread earner of his family. He further submits that the petitioner is the first offender. He seeks benefit of probation.

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. But, at the same time, an innocent person had lost her life due to rash and negligent act of the petitioner and is not entitled to probation.

The conviction is maintained. However, keeping the circumstances into view, the sentence awarded to the petitioner is reduced to the period already undergone by him under Section 304-A IPC. Both the sentences shall run concurrently. There would be no change in the sentence of fine. It is not apparent from the record whether petitioner has deposited the fine or not. In case the petitioner has deposited the fine, he be released forthwith in this case, if not required in any other case.

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

December 22, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE