

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

**Criminal Revision No.2722 of 2014(O&M)
Date of Decision: October 07, 2015**

Jang Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.H.S.Jalal, Advocate,
for the petitioner.

Mr.Sanjay Kumar, AAG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

CRM-27087-2014

After hearing learned counsel for the parties and going through the contents of the application, the same is allowed and the delay of 206 days in filing the criminal revision petition is hereby condoned.

CRR-2722-2014

Challenge in the present criminal revision petition is to the judgment dated 11.11.2013 passed by learned Additional Sessions Judge, Ambala, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 279 and 304-A, IPC, recorded by learned Judicial Magistrate Ist Class, Ambala, was

dismissed.

Learned counsel for the parties submit that the present criminal revision petition can be heard and decided at this stage.

Learned counsel for the petitioner at the very outset submits that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner for the offences punishable under Sections 279 and 304-A, IPC. However, he submits that the petitioner is aged about 41 years old; he is the sole bread-winner for his wife and children; during pendency of trial, the petitioner met with accidental electric shock and as a result thereof, suffered disability to the extent of 75%; he has undergone incarceration for one year and approximately four months out of the maximum awarded sentence of two years; he has faced the agony of trial, appeal and the present revision petition for approximately ten years and that the petitioner is neither required nor involved in any other case, therefore, his substantive sentence may be reduced to the period already undergone.

Learned counsel for the State has not controverted the fact that the petitioner suffered the electric shock during pendency of trial and resultantly, he had sustained disability to the extent of 75% and that the petitioner has already suffered incarceration for one year and four months.

After hearing the learned counsel for the parties, this Court finds that both the Courts below have rightly held the petitioner guilty for the offences punishable under Sections 279 and 304-A, IPC, and, as such, learned counsel for the petitioner has correctly opted not to challenge the conviction of the petitioner. The submissions made by learned counsel for the parties would reveal that during incarceration, the petitioner has earned remissions of approximately four months, which shows that he (petitioner) was in the process of improving himself; he suffered the disability to the extent of 75% due to electric shock which he met during pendency of the trial; he is the sole breadwinner for his wife and young children; he is neither required nor involved in any other case and that he has suffered the agony of trial, appeal and pendency of the present petition for the last ten years, therefore, the extreme penalty of two years awarded to the petitioner is not justified and as such, his jail imprisonment is reduced to the period already undergone, i.e. 1 year and 4 months. The order of fine imposed by learned trial Court is sustained.

With the above modification in the order of sentence, the present criminal revision petition is disposed of.

October 07,2015
seema/meenu

(Naresh Kumar Sanghi)
Judge