

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2867 of 2015 (O&M)
Date of Decision: 05.10.2015

Lakhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

- 1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
- 2. To be referred to the Reporters or not? Yes/No
- 3. Whether the judgment should be reported in the digest? No

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst.A.G. Punjab.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Lakhbir Singh has challenged his conviction under Section 279, 337 and 338 IPC. The conviction was recorded in FIR No.106 lodged on 06.09.2011 registered at Police Station Bhogpur, Distt. Jalandhar. The Judicial Magistrate 1st Class, Jalandhar, vide order of conviction and sentence dated 11.11.2014 convicted the petitioner and sentenced him to undergo following imprisonment:-

Under Sections	Simple Imprisonment for a period of	Fine
279 IPC	6 months	-
337 IPC	3 months	-
338 IPC	1 year	-

2. The judgment was affirmed by the Addl. Sessions Judge, Jalandhar, vide order dated 06.07.2015. The petitioner was taken in custody to undergo the remaining part of sentence. Aggrieved with the same, the accused has preferred the instant petition.

3. On 07.08.2015 when this revision petition came up for hearing before this Court, learned counsel for the petitioner had confined his submissions to the quantum of sentence imposed upon the petitioner. Notice was issued on the limited question of quantum of sentence.

3. I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

4. Learned counsel for the petitioner submits that the petitioner remained in custody for about three months and the accident took place in September, 2011 and he has faced a protracted trial for over 4 years. The counsel for the petitioner submits that the petitioner is the only earning member in the family and no other accident had taken place after 2011 and it is by chance that the accident had occurred and the sentence may be reduced to already undergone. Counsel further contends that the petitioner is ready to pay compensation to the complainant.

5. The State counsel has opposed the prayer and submits that convict-petitioner drove the bus in rash and negligent manner and had caused grievous injuries on the arm of the complainant, due to which his right arm was amputated and the Courts below have already taken a lenient view.

6. As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned, it is noticed that the accident took place in 2011. The petitioner has undergone incarceration for a period of over two and a half month. The arm of the complainant was amputated. The complainant was sitting in a bus which overtook another vehicle. Another vehicle was coming from the opposite direction. The bus grazed against Tata 407 and it lead to injuries to the complainant. Therefore, considering the entire facts and the circumstances, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner is reduced to the period already undergone by him. Therefore, maintaining the conviction, the sentence of petitioner Lakhbir Singh is reduced to the period already undergone by him. However, the petitioner shall pay a sum of Rs.25,000/- to the complainant as compensation. The amount of compensation shall be deposited within two months from today with CJM, Jalandhar. In default of payment of compensation, the defaulter would undergo imprisonment as awarded by the Court below. The amount of compensation, on realization, shall be paid to the complainant Akshay Nanda on identification. On deposit, intimation shall be sent to the complainant. A copy of this judgment be sent to the Courts below. The petitioner be set at liberty, if not required in any other case.

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

(ANITA CHAUDHRY)
JUDGE

05.10.2015

'Sunil Sehgal'