

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2934 of 2015 (O&M)****Date of Decision: November 05, 2015**

Dilbagh Singh alias Dilbag Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Salana, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Dilbagh Singh alias Dilbag Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 19.08.2014 passed by learned Judicial Magistrate Ist Class, Amritsar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months each under Sections 279 and 337 IPC and he was further sentenced to undergo rigorous imprisonment for a period of two years and to pay of fine of ₹1000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month under Section 304-A IPC and also challenging the judgment dated 16.05.2015 passed by learned

Addl. Sessions Judge, Amritsar, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings given by the Courts below regarding conviction and only prayed for reduction of sentence.

Notice of motion was issued only on the quantum of sentence and learned State counsel appeared in the proceedings.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per prosecution version, Jaswinder Singh got recorded the FIR by stating that on 09.03.2011, he along with Ajaypal Singh was going from Batala to Sewa Singh Hall at Sultanwind Road on his car. Ahead of them, his sisters-in-law namely Paramjit Kaur, Baljit Kaur, Inderjit Singh and Simranjit Singh @ Simar were also going on their car, which was being driven by Simranjit Singh. At about 12.30/1.00 P.M. when they reached near turn of Khankot Ram Singh, one tractor trolley loaded with bricks was suddenly turned by its driver (accused-petitioner) without blowing any horn or giving any signal, due to which car driven by Simranjit Singh struck with the tractor trolley and all the occupants suffered injuries on their persons. Simranjit Singh succumbed to the injuries.

Learned counsel for the petitioner prayed for lenient view and reduction of sentence on the basis that accused-petitioner is first offender and further, he is only bread earner of the family. Learned counsel for the petitioner also contended that the petitioner has

effected a compromise with the injured.

Keeping in view the facts and circumstances of the present case and he being first offender and poor person and further the fact the petitioner is only bread earner of the family and in view of the compromise effected between the petitioner and injured, I reduce the sentence of the petitioner and he is directed to undergo rigorous imprisonment for a period of 10 months under Section 304-A IPC instead of two years. However, the other sentences, sentence of fine and sentence in default of payment of fine shall remain the same.

With the above-said modification in the sentence, the present revision petition stands partly allowed accordingly.

November 05, 2015
Vgulati

(INDERJIT SINGH)
JUDGE