

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2949 of 2015 (O&M)****Date of Decision: November 05, 2015**

Sukhwant Singh alias Sukha

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajesh Pal, Advocate
for the petitioner.

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

Mr.Puneet Singla, Advocate
for the complainant.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sukhwant Singh alias Sukha against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 05.01.2013 passed by learned Chief Judicial Magistrate, Tam Taran vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 279 IPC and he was further sentenced to undergo rigorous imprisonment for a period of two years and to pay of fine of ₹2000/- 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 07.07.2015 passed by learned Addl. Sessions Judge, Tarn Taran, 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 as well as learned counsel for the complainant appeared in the proceedings.

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

From the record, I find that as per prosecution version, on 17.07.2006, Head Constable Amarjit Singh got recorded the FIR by stating that he along with Constable Jaimal Singh was going on motorcycle and Jaimal Singh was driving the motorcycle. At about 9.00 P.M., accused Sukhwant Singh alias Sukha while driving the motorcycle in the rash and negligent manner came from the opposite side and struck his motorcycle against their motorcycle. Due to the said accident, Constable Jaimal Singh received multiple injuries and later on he died.

Learned counsel for the petitioner prayed for lenient view and reduction of sentence on the basis that accused-petitioner is young man and he is first offender and further, he is only bread earner of the family and whole family is dependent upon him. Learned

counsel for the petitioner also contended that the petitioner has effected a compromise with the legal heirs of the deceased.

Learned counsel for the complainant also admitted the factum of compromise and has no objection if the sentence of the petitioner is reduced.

Keeping in view the facts and circumstances of the present case, age of the accused 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 legal heirs of the deceased, 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 sentence, 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