

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3026 of 2015 (O&M)****Date of Decision: October 13, 2015**

Nand Kishore

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr.Himmat Singh, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Nand Kishore against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 07.06.2013 passed by learned Judicial Magistrate Ist Class, Panipat, vide which he was convicted under Section 304-A IPC and sentenced to undergo rigorous imprisonment for a period of two years and also challenging the judgment dated 23.07.2015 passed by learned Addl. Sessions Judge, Panipat, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that on 18.04.2009, police received an information that an accident has taken place between a truck and motorcycle at G.T. Road near Ahuja Petrol Pump, Panipat.

As per prosecution version, when the complainant Darshan Singh along with his wife Paramjit Kaur @ Pushpa reached G.T. Road opposite Ahuja Petrol Pump, a truck being driven by its driver at high speed, came from behind and hit his motorcycle due to which, they fell down on the road and Paramjit Kaur @ Pushpa got crushed underneath the rear tyre of the truck and died on the spot. The complainant noted the number of truck as HR-69-5472. It was alleged that accident has been caused by truck driver by driving truck in a rash and negligent manner.

Learned JMJC, Panipat, convicted the accused-petitioner under Section 304-A IPC and sentenced him as stated above vide judgment of conviction and order of sentence dated 07.06.2013. An appeal was filed by the accused-petitioner and learned Addl. Sessions Judge, Panipat, vide judgment dated 23.07.2015, dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the accused-petitioner only.

At the time of issuance of notice of motion, learned counsel for the petitioner did not dispute the concurrent findings of Courts below regarding conviction and prayed for reduction of sentence and notice of motion was issued only on the quantum of sentence.

Learned State counsel appeared and contested the petition and also filed the custody certificate.

At the time of arguments, learned counsel for the petitioner

contended that the petitioner is a poor person and he has four children. He further contended that the petitioner is first offender and only bread earner of the family. Therefore, he argued that lenient view may be taken.

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

Keeping in view the facts and circumstances of the present case, the fact that present petitioner is only bread earner of the family and he is first offender and further the fact that the petitioner has four children, who are to be looked after and further in view of the fact that the petitioner is suffering from long protracted criminal proceedings, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years. However, the sentence of fine and default sentence shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

October 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE