

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

CRR No. 3453 of 2014 (O&M)

Date of Decision : 16.02.2015

Gurjit Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Achin Gupta, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent conviction of the petitioner under Sections 338 and 279 IPC. He was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 500/- under Section 338 IPC and in default to undergo simple imprisonment for 15 days whereas under Section 279 IPC he was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 500/- and in default of payment of fine he was further ordered to undergo simple imprisonment for a period of 15 days. However, his sentence was reduced by the Appellate Court to six months under Section 338 IPC and from six months to three months under Section 279 IPC. Both the sentences were ordered to run concurrently.

Custody certificate by way of affidavit of Manjeet Singh Sidhu, Deputy Superintendent, Central Jail, Bathinda has been filed and the same is taken on record. As per custody certificate the petitioner has undergone 2 months and 9 days of actual imprisonment till now out of total sentence of one year.

The case against the petitioner is that he, while driving his tractor rashly and negligently caused injuries to two persons namely Darshan Singh and Pushpinder Singh. Both of them were having fracture of bones. Injured Darshan Singh was having fracture of femur on right side with upper end and Tibia with fracture of Trochetr of left side with head injury and injury on the right eye. Their injuries have been proved by the doctors who treated them.

Today learned counsel for the petitioner has argued that the petitioner has undergone the agony of these proceedings for the last almost more than 11 years. He has no other criminal antecedent. Learned Addl.AG has accepted this fact.

In the circumstances even while maintaining the conviction I reduce the sentence of the petitioner to three months. Let him be now taken in custody to serve out his remaining sentence.

Petition stands disposed of with the aforesaid modification in sentence.

(AJAY TEWARI)
JUDGE

February 16, 2015
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