

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3505 of 2015 (O&M)****Date of Decision: November 30, 2015**

Joginder Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Maneesh Kumar Bali, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Joginder Kumar against State of Punjab under Section 401 Cr.P.C., challenging the impugned judgment of conviction and order of sentence dated 16.10.2014 passed by learned Judicial Magistrate Ist Class, Ropar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of ₹500/- and in default of payment to undergo simple imprisonment for a period of ten days under Section 279 IPC and to further undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- and in default of payment of fine to undergo simple imprisonment for a period of ten days under Section 338 IPC

and further to undergo rigorous imprisonment for a period of three months under Section 427 IPC and also challenging the judgment dated 04.09.2015 passed by learned Sessions Judge, Rupnagar, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that FIR in the present case was registered on the basis of statement of Ajmer Singh, who mainly stated that on 24.12.2009, he was going to Kharar on his scooter for domestic work. Mohinder Singh was going on his motorcycle bearing registration No.PB-12H-3387 ahead of him. At about 6.30 P.M., when they reached near Special Home, Village Padiala, then one Himachal Roadways bus came from opposite direction at high speed being driven rashly and negligently and hit the motorcycle of Mohinder Singh, as a result of which, he fell down. Mohinder Singh was taken to the hospital. On asking, driver of the bus told his name as Joginder Kumar (present petitioner). The petitioner was charged under Sections 279, 338 and 427 IPC.

After appreciating of evidence, learned JMJC, Ropar convicted and sentenced accused-petitioner as stated above vide judgment of conviction and order of sentence dated 16.10.2014. An appeal was filed by the petitioner, which was also dismissed by learned Sessions Judge, Rupnagar vide judgment dated 04.09.2015.

Aggrieved from the above-said judgments, present revision petition has been filed.

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 contended on the point of reduction of sentence.

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

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 the present petitioner is a Government employee. As argued, he is first offender and only bread earner of the family. The petitioner is suffering from long protracted criminal trial since 2009.

Keeping in view the facts and circumstances of the present case and the fact that petitioner has already undergone about 3 months, the sentence of the petitioner is reduced to the sentence already undergone by him. The petitioner is also directed to pay ₹40,000/- to the injured as compensation within two months from today, failing which, this petition shall be treated as dismissed. Petitioner Joginder Kumar, who is in custody, be released forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

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

November 30, 2015
Vgulati

(INDERJIT SINGH)
JUDGE