

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

Crl. Revision No. 3517 of 2014 (O&M)

Date of Decision: 07.04.2015

Kashmira Ram @ Sira

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Jasdeep Gharuan, Advocate
for the petitioner.**

Mr. V.P.S. Sidhu, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Sunam under Sections 279, 337, 338, 304-A on the allegations that on 20.02.2008 he drove mini bus bearing No. PB11V-6842 rashly and negligently and struck against motor-cycle, which resulted in death of Pargat Singh and injuries to Gurbhej Singh

The prosecution produced eleven witnesses during trial.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, though acquitted him under Sections 337 and 338 IPC, but convicted the accused under Sections 279 and 304-A IPC and substantively sentenced him to undergo rigorous imprisonment of six months

with a fine of Rs.1000/- and one year and to pay a fine of Rs.1000/- respectively under the aforesaid heads. He was also directed to pay compensation of Rs.5000/-, which on realization was ordered to be reimbursed to the widow of the deceased. The petitioner is stated to have deposited the fine before the trial Court. All the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed on 25.09.2014. Hence, this revision petition.

On 04.02.2015 when this revision petition came up for hearing, learned counsel for the petitioner had not touched the merits of the case and had confined his submissions to the quantum of sentence imposed upon the petitioner. Notice was issued on the limited question of quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the occurrence is of the year 2008 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took more than six years. He further submits that the petitioner is in custody for the last more than six months and he is the only bread earner of his family consisting small children. He seeks benefit of probation.

On the other hand, learned State counsel had opposed the prayer.

Undisputedly, the occurrence pertains to the year

2008 and since then the petitioner has suffered agony of trial as well as appeal. But, at the same time, a innocent person had lost his life due to rash and negligent act of the petitioner and is not entitled to probation.

In view of the circumstances appearing in this case, it will be in the fitness of things if the sentence of the petitioner is reduced to the one already undergone by him. However, the sentence of fine is maintained. The petitioner be set at liberty, if not required in any other case.

With the above modification, the instant revision petition stands disposed of.

April 07, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE