

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3699 of 2014 (O&M)
Date of Decision: January 22, 2015

Avtar Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Godara, Advocate
 for the petitioner.

Mr.S.S.Chandumajra, Deputy Advocate General, Punjab
 for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against State of Punjab respondent challenging the impugned judgment of conviction and order of sentence dated 09.10.2012 passed by learned Judicial Magistrate Ist Class, Bathinda and judgment dated 14.10.2014 passed by learned Addl. Sessions Judge, Bathinda dismissing the appeal filed by the petitioner.

It is mainly stated in the petition that petitioner has been sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹500/- under Section 304-A IPC and to further undergo rigorous imprisonment for a period of six months and to pay a fine of ₹1000/- under Section 279 IPC and in default of payment of

fine to undergo simple imprisonment for a period of one month and the appeal filed by the petitioner has been dismissed by learned Addl. Sessions Judge, Bathinda vide impugned judgment dated 14.10.2014.

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

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.

As per the judgment passed by learned JMJC, Bathinda, the brief facts of the case are that accused was driving the truck bearing registration No.PB-03Q-9693 at a high speed in a zig-zag manner, rashly and negligently and hit it against motorcycle of Varinder Singh due to which he died.

Learned counsel for the petitioner argued that petitioner is young boy and is first offender. He is suffering from long protracted criminal trial for the last seven years and he is only bread earner of the family.

Keeping in view the facts and circumstances of the present case and the fact that petitioner is young boy, first offender and suffering from criminal proceedings since August 2007, I reduce the sentence of the petitioner under Section 304-A IPC to rigorous

imprisonment for a period of one year and three months instead of two years. However, other sentence under Section 279 IPC and sentence of fine shall remain the same.

With the above modification in the sentence, the present petition is dismissed.

January 22, 2015
Vgulati

(INDERJIT SINGH)
JUDGE