

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

Criminal Revision No.391 of 2015(O&M)

Date of Decision: September 10, 2015

Ranbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Chandan Singh Rana, Advocate,
for the petitioner.

Mr.K.S.Pannu,DAG, Punjab.

- 1· Whether Reporters of Local papers may be allowed to see the judgment?
- 2· To be referred to the Reporters or not?
- 3· Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Challenge in the criminal revision petition is to the judgment dated 26.11.2014 passed by learned Additional Sessions Judge, Fast Track Court, Rupnagar, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 304-A, IPC, recorded by learned Chief Judicial Magistrate, Rupnagar, was dismissed.

When the criminal revision petition came up for preliminary hearing before this Court on 06.02.2015 at that time learned counsel for the petitioner restricted his prayer with regard to quantum of sentence of the petitioner only and as such, Hon'ble the Co-ordinate Bench passed the following order:-

“Present: Mr.C.S.Rana, Advocate for the petitioner.

CRM-3867-2015

Counsel for the petitioner restricts his prayer to the quantum of sentence and states that the MACT has awarded Rs.6,50,000/- to the legal heirs of the deceased. The petitioner states that he will give Rs.1,25,000/- to the legal heirs of the deceased.

Hence, without expressing any opinion on the merits of the case, the application of the applicant/petitioner is accepted and the remaining sentence of the applicant/petitioner is suspended during the pendency of the revision, subject to deposit of Rs.60,000/- before the CJM, Rupnagar.

CRR-391-2015

Notice of motion for 04.05.2015.

sd/-

*06.02.2015
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*(Ritu Bahri)
Judge”*

Learned counsel for the petitioner submits that out of ₹1,25,000/- (Rupees one lac and twenty five thousand only) as mentioned in the order dated 06.02.2015, a sum of ₹60,000/- (Rupees sixty thousand only) has been deposited before learned Chief Judicial Magistrate, Rupnagar, for disbursement to the legal heirs of Kulwinder Kaur (since deceased). He further contends that the petitioner is a first offender and the accident, in which

Kulwinder Kaur had died, had not taken place intentionally and that the petitioner, Ranbir Singh, has already suffered the agony of trial, the appeal and the present criminal revision petition for more than seven years. He has also suffered incarceration for two months and fifteen days. In addition to the above, the petitioner has also deposited ₹60,000/-(Rupees sixty thousand only) before learned Chief Judicial Magistrate, Rupnagar, for disbursement to the legal heirs of Kulwinder Kaur (since deceased) and as such, his substantive sentence may be reduced to the period already undergone by him.

On the other hand, learned counsel for the State submits that a young woman, aged 25 years, had lost her life in the accident and as such, the rigorous imprisonment awarded by learned trial Court and affirmed by learned Appellate Court is well-based and no interference is called for. However, he on instructions from HC Kashmir Singh, Police Station, Singh Bhagwant Pur, District Rupnagar, concedes that the petitioner has suffered incarceration for two months and fifteen days and during incarceration, he has not committed any jail offence. He fairly concedes that the petitioner is neither required nor involved in any other case.

With the assistance of learned counsel for the parties, the material available on record has been perused and it is found that the findings of both the Courts below holding the petitioner guilty for the offence punishable under Section 304-A, IPC, are well-based and no interference is called for by this Court. Learned counsel for the petitioner has correctly opted not to

challenge the conviction of the petitioner.

However, there appears to be substance in the submissions of learned counsel for the petitioner to the extent that the petitioner is a first offender and he has already faced agony of trial, the appeal and the present criminal revision petition for last more than seven years. He has also deposited ₹60,000/- (Rupees sixty thousand only) to be paid to the legal heirs of Kulwinder Kaur (since deceased) and that he has suffered incarceration for two months and fifteen days but that by itself would not be sufficient to reduce the substantive sentence to the period already undergone.

In the matter of **State of Punjab vs. Saurabh Bakshi**, **2015(2) RCR (Criminal) 495**, Hon'ble the Supreme Court has laid down the parameters of awarding adequate sentence.

Keeping in view the totality of the facts and circumstances of the case, the substantive sentence of the petitioner is reduced to rigorous imprisonment for one year. However, the fine imposed by learned Court below is maintained.

With the above modifications in the order of sentence, the present petition is disposed of.

Copy of this order be sent to learned trial Court for issuance of non-bailable warrants for securing the presence of the petitioner so that he might serve out the remaining substantive sentence. The notice be also issued to the legal heirs of the deceased so that they may withdraw ₹60,000/- (Rupees sixty thousand only) deposited by convict/petitioner, as per norms.

September 10, 2015
seema

(Naresh Kumar Sanghi)
Judge

