

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Crl. Revn. No. 4037 of 2014 (O&M)
Date of decision : January 23, 2015

Balwant SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Madan Pal, Advocate for the petitioner.

Mr. Charanjit Bakshi, Addl. AG, Haryana.

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RITU BAHRI, J (Oral)

Present petition has been filed against the judgment of conviction and order of sentence dated 14.11.2014 passed by the Sessions Judge, Panchkula vide which the appeal against the judgment dated 27.03.2014 and order dated 31.03.2014 passed by the Sub Divisional Judicial Magistrate, Kalka (hereinafter referred to as "the trial Court') was dismissed.

The trial Court vide judgment dated 14.11.2014 convicted the accused-petitioner under Sections 279/304-A IPC and sentenced him to undergo rigorous imprisonment substantially for a period of 2 years.

As per the prosecution story, on 22.09.2007 a road accident took place near the main market, Pinjore and an information in this regard was received at police station

upon which Head Constable Ramesh Chand along with HC Gurdev Singh reached at the spot where some of the persons had already gathered and informed that the injured had been taken to Civil Hospital, Kalka. Thereafter HC Ramesh Chand reached to Civil Hospital, Kalka where one person namely Sachin got recorded his statement to the effect that he is a salesman in the wine shop at Pinjore and Suram Singh (since deceased) had come to him for three days and on the fateful day, the deceased was going towards Pinjore Garden and the complainant was behind him where one bus bearing No. HR-68-5924 came from the side of Kalka at a very high speed and hit the deceased. The driver of the bus namely Suresh accused-petitioner were driving the said bus in a rash and negligent manner. After the incident he ran away from the spot. The complainant found that Suram Singh had already expired at the spot due to the injuries sustained by him. However, the police later on found that it was Balwant Singh who was driving the offending vehicle and therefore arrested him.

Charges were framed under Sections 279/304-A IPC against the accused-petitioner, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined as many as six witnesses and thereafter, the evidence of the prosecution was closed.

Statement of accused under Section 313 Cr.P.C was recorded wherein entire incriminating evidence appearing against him was put to him, however, he denied the same.

The trial Court after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioner in the aforesaid terms.

Aggrieved by the aforesaid judgment, the accused-petitioner preferred an appeal which was dismissed by the Sessions Judge, Panchkula.

Learned counsel for the petitioner, at the outset, does not challenge the order of conviction on merits and restricts his prayer to the quantum of sentence.

Having examined the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

As per the custody certificate dated 22/23.01.2015 filed on record, petitioner Balwant Singh has undergone imprisonment for a period of 03 months and 21 days as on 22.01.2015. As per the custody certificate, he has not misused the concession of bail during trial and is not facing any other criminal case.

The complaint was filed by Sachin Kumar in the

year 2007. The FIR was registered on 22.09.2007. The petitioner has been facing a protractive trial proceedings since 2007 for almost 7 years. This Court accepts the prayer for reduction of the sentence. The sentence of the imprisonment awarded to the petitioner is reduced to the period already undergone. The petitioner shall be released to the satisfaction of the CJM/Duty Magistrate, Panchkula. However the petitioner shall pay compensation of Rs.1,00,000/- before the trial court and the trial Court shall disbursed the same to the LRs of the deceased, within a period of two weeks from the date of receipt of certified copy of this order.

With the above modification in the matter of sentence, the criminal revision is dismissed on merits

January 23, 2015
Mohan

(RITU BAHRI)
JUDGE