

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

**Crl. Revision No. 4048 of 2014 (O&M)
Date of decision : 26.02.2015**

Satish Kumar		Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Fateh Saini, Advocate for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

RITU BAHRI, J. (Oral)

This criminal revision is directed against the judgment dated 17.11.2014 passed by the Additional Sessions Judge, Rupnagar, whereby judgment and order of sentence dated 29.09.2012 passed by the Additional Chief Judicial Magistrate, Rupnagar is upheld, to undergo rigorous imprisonment for a period of one year six months under Section 304-A IPC and to pay fine of Rs.500/- and in default of payment of fine shall further undergo rigorous imprisonment for a period of 15 days and besides this, further undergo four months imprisonment under Sections 279 and 337 IPC respectively in an FIR No.29 dated 08.09.2006 under Sections 279, 337, 338, 304-A IPC, Police Station-Kurali.

The brief facts of the prosecution case are that this case was registered on the basis of statement of complainant Ajit Singh

wherein he stated that on 08.03.2006 at about 2.00 PM he along with Dayal Singh was standing at bus stand Lakhnaur and his son in law and brother Sital Singh were coming on scooter bearing No.PB-12-F-7484. Scooter was being driven by Mangat Singh and Sital Singh was pillion rider. Meanwhile, a Tata Sumo bearing No.PB-10-X-9392, whose driver's name on being enquired came to know as Satish Kumar, came in a rash and negligent manner and without blowing any horn and struck against their scooter. As a result of this impact, Mangat Singh sustained serious injury in his head whereas his brother received injury on leg. Scooter was also got damaged badly. After arranging some vehicle they shifted the injured to Civil Hospital, Kurali for treatment. Taking benefit of situation, the driver of above said Tata Sumo managed to run away from the spot leaving behind his vehicle.

On the basis of this statement, case was got registered by ASI Sukh Ram after sending ruqa to the police station through PHG Swaran Singh. He initiated investigation in the matter. During investigation, he prepared site plan of the place of occurrence, recorded the statements of the witnesses, the site was got photographed and the accidental vehicles were taken into police possession. On 09.03.2006, after receipt of telephonic message from PGI Chandigarh regarding death of injured Mangat Singh, ASI Sukh Ram reached there and got conducted post mortem of the dead body of deceased, offence under Section 304-A IPC was added later on,

accused was arrested and after completion of formalities of investigation challan was presented in the Court.

On the presentation of the challan in the Court, charges were framed against the accused, to which he pleaded not guilty and claimed trial. Thereafter, parties were directed to adduce evidence in support of their version, after going through which the Additional Chief Judicial Magistrate, Rupnagar convicted and sentenced the accused as referred above.

Aggrieved by this order, the petitioner filed a criminal appeal before the Additional Sessions Judge, Ropar, who upheld the conviction and sentence of the petitioner.

Counsel for the petitioner does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

In compliance of the order dated 23.12.2014, the petitioner has deposited Rs.1 lac before the trial Court which shall be disbursed to the legal heirs of the deceased.

As per the custody certificate, the petitioner has undergone 04 months and 05 days of actual period in custody as on 27.12.2014. He is not facing any other criminal trial. He is facing a criminal trail in this case since 2006. The FIR was registered in 2006 and he has been facing a criminal trial for almost 08 years as of now.

A perusal of the judgment show that even the accident took place on account of negligence of the petitioner but there was no intention to commit the offence. The Motor Accident Claims

Tribunal has awarded a compensation of Rs.12,88,000/-. A copy of the award is placed on record as Annexure A-1.

Keeping in view the above facts, the petition is disposed of and the conviction is being upheld. However, the sentence of the petitioner is reduced to the period already undergone.

26.02.2015
Vinay

(RITU BAHRI)
JUDGE