

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4113 of 2014 (O&M)
Date of Decision: 28.04.2015

Sukhraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mrs. G.K. Mann, Advocate
for the petitioner.

Mr. Deep Singh, Addl. A.G. Punjab.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Sukhraj Singh has challenged his conviction under Section 279 and 304-A IPC. The conviction was recorded in FIR No.62 lodged on 25.04.2009 at Police Station Ajnala, Tehsil Ajnala, District Amritsar. The Sub Divisional Magistrate, Ajnala, vide judgment dated 15.02.2014 convicted the petitioner and sentenced him to undergo simple imprisonment for 02 years along with a fine of Rs.1000/- for commission of the offence under Section 304-A IPC and simple imprisonment for a period of 06 months for commission of the offence under Section 279 IPC. The judgment was affirmed by the Addl. Sessions Judge, Amritsar vide order dated 28.11.2014. The petitioner was taken in custody to undergo the sentence.

2. Today when the matter was taken up, the counsel for the petitioner confined his prayer only to the quantum of sentence .

3. I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

4. The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than eight years as the incident is of April, 2009 and the petitioner had remained in custody for about 5 months. Learned counsel for the petitioner contends that the sentence of the petitioner may be reduced to the period already undergone by him.

5. The State counsel has opposed the prayer and submits that convict-petitioner while driving truck bearing registration No.PB-02-E-9708 had caused the death of Jatinder Singh and Gulzar Singh and no leniency should be shown as the Courts below have already taken a lenient view.

6. As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned, the occurrence took place on 25.04.2009. The petitioner was convicted by the trial Court vide judgment dated 15.02.2014. His appeal was dismissed by the Sessions

Court on 28.11.2014. The petitioner remained in custody for about 05 months. Striking a balance for the offence under Section 304-A IPC and considering the entire facts and circumstances, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Section 304-A IPC is reduced to 6 months.

7. Thus, partly allowing the revision, the sentence awarded under Section 304-A IPC is reduced to six months. There would be no modification in the fine. The sentence awarded under Section 279 IPC would run concurrently with the sentence awarded under Section 304-A IPC.

With the above said modification, the revision petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

28.04.2015
'Sunil Sehgal'