

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4234 of 2014 (o&m)
Date of Decision: 27.04.2015

Rajinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

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

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Rajinder Singh has challenged his conviction under Section 337 and 304-A IPC. The conviction was recorded in FIR No.136 lodged on 18.11.2006 at Police Station Goraya, District Jalandhar. The Judicial Magistrate Ist Class, Phillaur, vide judgment dated 17.05.2013 convicted the petitioner and sentenced him to undergo rigorous imprisonment for 01 year along with a fine of Rs.500/- for commission of the offence under Section 304-A IPC and rigorous imprisonment for a period of 03 months for commission of the offence under Section 337 IPC. The judgment was affirmed by the Addl. Sessions Judge, Jalandhar vide order dated 29.10.2014. The petitioner was taken in custody to undergo the remaining part of 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 November, 2006 and the petitioner had remained in custody for more than 4½ 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 stationed the truck bearing registration No.PB-08-B-5515 in the middle of road, which was loaded with iron rods extending 10 feet outside the truck and had caused the death of Rupesh Kumar, driver of Tata 709 bearing registration No.PB10-AP-6453 and 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 18.11.2006. The petitioner was convicted by the trial Court vide judgment

dated 17.05.2013. His appeal was dismissed by the Sessions Court on 29.10.2014. 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 337 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

27.04.2015
'Sunil Sehgal'