

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.437 of 2015

Date of Decision: February 10, 2015

Noor Mohammad

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Abhimanyu Singh, Advocate for
Mr. Keshav Partap Singh, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Challenged in the present revision is the order dated 03.01.2015 passed by learned Addl. Sessions Judge, Palwal, affirming that the judgment of conviction dated 16.12.2014 and order of sentence dated 17.12.2012 passed by learned Sub Divisional Judicial Magistrate, Hathin, vide which the present revisionist was sentenced to undergo rigorous imprisonment six months and to pay a fine of ₹1,000/-, in default thereof to further undergo rigorous imprisonment for fifteen days under Section 279 of the Indian Penal Code, 1860 (in short 'IPC') and further sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹5,000/-, in default thereof to further undergo rigorous imprisonment for two months under Section 304-A IPC. Both the sentences were directed to run concurrently.

During the course of arguments, learned counsel for the revisionist had confined his prayer on the point of the quantum of sentence only.

It has been argued that the revisionist has been awarded maximum sentence i.e. to undergo rigorous imprisonment for two years for the offence punishable under Section 304-A IPC. It is stated that the revisionist was allegedly driving a tractor and as a result of the accident, only one person, namely, Sahun died. Therefore, this case does not warrant the imposition of maximum penalty.

After going through the facts and circumstances of the case, I am of the view that the circumstances of the case does not warrant the maximum sentence provided under Section 304-A IPC. Therefore, the sentence of imprisonment awarded to the revisionist under Section 304-A IPC is reduced from two years to 1-½ years. However, the remaining part of the sentence awarded to the revisionist under Sections 279 and 304-A IPC is kept intact.

With the aforesaid modification, the present revision petition is dismissed.

February 10, 2015
sarita

(KULDIP SINGH)
JUDGE