

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

Crl. Revision No.816 of 2015 (O&M)
Date of decision: 30.10.2015

Gurmail Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gurcharan Dass, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J. (oral)

Petitioner Gurmail Singh had been convicted by the Judicial Magistrate 1st Class, Rajpura, under sections 279 and 304-A IPC. Petitioner was sentenced to simple imprisonment for six months under section 279 IPC and further to undergo simple imprisonment for a period of 1½ years under section 304-A IPC.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by Sessions Judge, Patiala, vide judgment dated 5.2.2015.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that

he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 11.5.2008, a police party headed by Head Constable Satnam Singh was present at Gagan Chowk, Rajpura. Complainant Anokh Singh met him and made statement to the effect that on 10.6.2008 at about 8.30 P.M. he was coming from village Kharola to Rajpura on scooter. His brother-in-law Baljit Singh met him with motorcycle No.PB-39-C-8161, near ABC Factory and both of them proceeded towards Rajpura on their respective vehicles. Baljit Singh was going ahead of the complainant. When they reached on the turning of Dhakansu-Rajpura road, offending truck No.HR-37-B-9386 being driven by the accused (petitioner herein) rashly and negligently and at a high speed, came from the opposite side and hit motor cycle of Baljit Singh. Resultantly, motor cycle of Baljit Singh got entangled in the truck and he suffered multiple injuries including head injury. Complainant took him to AP Jain Hospital, Rajpura from where he was referred to Govt. Medical College & Hospital, Sector 32, Chandigarh but he died on the way. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused

was presented in the trial court.

Finding prima facie case under Sections 279 and 304-A IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as nine witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under sections 279 and 304-A IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Sessions Judge, Patiala on 5.2.2015.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has,

however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor persons and main bread winner of his family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 09 months, but the petitioner is burdened with a fine of Rs.50,000/- to be paid as compensation to the legal representatives of deceased Baljit Singh. The fine be deposited within three months from the date of receipt of certified copy of this order. However, in case fine aforesaid is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(RAJAN GUPTA)
JUDGE

30.10.2015
'Rajpal'