

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.886 of 2015 (O&M)
Date of Decision: 04.09.2015

Ranjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. 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. Harkeerat Singh, Advocate
for the petitioner.

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

Mr. B.S. Bhalla, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Ranjit Singh has challenged his conviction under Section 279 and 304-A IPC. The conviction was recorded in FIR No.20 lodged on 06.02.2005 registered at Police Station Baghapurana, District Moga. The Addl. Chief Judicial Magistrate, Moga convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period of 02 years along with a fine of Rs.1000/- for commission of the offence under Section 304-A IPC and rigorous imprisonment for a period of 06 months for commission of the offence under Section 279 IPC, vide order of conviction and sentence dated 27.02.2012. The judgment was affirmed by the Sessions Judge, Moga vide order dated 04.02.2015. The petitioner was taken in custody to undergo the remaining part

of sentence.

Aggrieved with the same, the accused has preferred the instant petition.

2. On 13.03.2015 when this revision petition came up for hearing before this Court, learned counsel for the petitioner had submitted that petitioner is ready to compensate the legal heirs of deceased and confined his submissions to the quantum of sentence imposed upon the petitioner. Notice was issued on the limited question of 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. Learned counsel for the petitioner submits that the petitioner remained in custody for over seven months and the accident took place in February, 2005 and he has faced a protracted trial for over 10 years. It was urged that claim petition was filed and the Claims Tribunal awarded a sum of Rs.2,28,366/- to claimant no.1 and certified copy of the award has been placed on record. The counsel for the petitioner submits that the petitioner is the only earning member in the family and no other accident had taken place after 2005 and it is by chance that the accident had occurred and the sentence may be reduced to already undergone. Counsel further contends that the petitioner is ready to pay additional amount as compensation to the complainant.

5. The State counsel has opposed the prayer and submits that convict-petitioner drove the vehicle in rash and negligent manner and had caused the death of Bachittar Singh 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, it is noticed that the accident took place in 2005. The petitioner has undergone incarceration for a period of over 7 months. Compensation has been awarded to the legal heirs of the deceased. There is no other earning member in his family. Therefore, considering the entire facts and the circumstances, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner is reduced to the period already undergone by him. However, the sentence of fine is maintained. The petitioner shall also pay an additional sum of Rs.75,000/- to the complainant as additional compensation.

7. A sum of Rs.75,000/- has been paid by the counsel for the petitioner and has been received by the counsel for the complainant which is to be paid to widow of the deceased. The petitioner be set at liberty, if not required in any other case. A copy of this judgment be sent to the Courts below.

With the above modification, the instant revision petition stands disposed of.

(ANITA CHAUDHRY)
JUDGE

04.09.2015

'Sunil Sehgal'