

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Revision No. 937 of 2015 (O&M)

Date of Decision: 10.04.2015

Ashok Singh

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioner.**

Mr. S.S. Pannu, DAG Haryana.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Charkhi Dadri under Sections 279 and 304-A IPC on the allegations that on 20.09.2009 he drove truck bearing registration No. HR61-4737 rashly and negligently and struck against motor-cycle, which resulted in death of Vikram.

The prosecution produced ten witnesses during trial.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 279 and 304-A IPC and substantively sentenced him to undergo rigorous

imprisonment of six months and one and half years respectively under the aforesaid heads. Both the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed on 21.02.2015. Hence, this revision petition.

On 17.03.2015 when this revision petition came up for hearing, notice was issued on the limited question of quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the occurrence is of the year 2009 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took more than five years. He further submits that the petitioner is in custody for the last about five months and he is the only bread earner of his family. He further submits that the petitioner is the first offender. He seeks benefit of probation.

On the other hand, learned State counsel had opposed the prayer.

Undisputedly, the occurrence pertains to the year 2009 and since then the petitioner has suffered agony of trial as well as appeal. But, at the same time, an innocent

person had lost his life due to rash and negligent act of the petitioner and is not entitled to probation.

The conviction is maintained. However, keeping the circumstances into view, the sentence awarded to the petitioner is reduced to the period of six months under Section 304-A IPC. Both the sentences shall run concurrently.

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

April 10, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE