

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No. 1793 of 2004

Date of Decision: 03.02.2016

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

Coram: Hon'ble Mrs. Justice Raj Rahul Garg

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters? Yes
3. Whether the judgment should be reported in the Digest?

**Argued By: Mr. K. K. Goel, Advocate
for the petitioner/revisionist.**

**Mr. Amarinder Singh, Assistant Advocate General, Punjab
for the respondent-State.**

Raj Rahul Garg, J.

This is a revision petition instituted by Jaswant Singh son of Rattan Singh, driver of bus No. PB-09-A-5400, who was held guilty for driving the aforesaid bus rashly and negligently thereby causing the death of Anokh Singh. Revisionist was held guilty for committing offence under Section 304-A IPC, vide judgment dated 28.11.2000. Vide order on sentence of the even date, he was sentenced to undergo rigorous imprisonment for a period of two years and a fine of Rs. 500/-; in default of payment of fine, to further undergo rigorous imprisonment for 15 days.

2. In appeal against the aforesaid judgment, learned Additional sessions Judge, Kapurthala maintained the conviction of revisionist recorded by the learned trial Court. Vide judgment dated 08.07.2004, the conviction recorded against the

revisionist and the sentence awarded to him by the learned trial Court were affirmed.

3. Against the impugned judgment dated 08.07.2004, the revisionist Jaswant Singh has come up in this revision petition before this Court.

4. Brief facts of the case are like this; that Mohinder Singh resident of village Chhanna Sher Singh was running a tailor shop. His sister was married to Anokh Singh (deceased). His brother-in-law had come to see him. They were to visit their relatives at village Tanda. Anokh Singh and his mother were to come to his shop after getting ready, at about 11.00 AM. Anokh Singh did not reach the shop at 11.00 AM. His mother Harbans Kaur, however, reached the shop. They kept on waiting for Anokh Singh till 12.30 PM and had gone towards Sultanpur Lodhi in search of him. When they crossed the bus stand of village Sultanpur Lodhi, they saw a bus belonging to Prince Bus Company bearing registration No. PB-09-A-5400 passed by them and was being driven rashly. That bus struck against the rickshaw which was coming from Sultanpur Lodhi side and was on the left side of the road. They reached the spot and found that the driver of the auto rickshaw was Anokh Singh, brother-in-law of the complainant. Anokh Singh had died at the spot. After the incident, the bus driver Jaswant Singh had stopped the bus at some distance from the place of accident. The name of the driver of the bus became known as Jaswant Singh at that time itself. He had run away leaving the bus at the spot. Thus, as per complainant, the revisionist had caused the death of Anokh Singh by driving the bus in question, rashly and negligently. On the statement of Mohinder Singh, FIR of this case was recorded. After completion of necessary investigations, the challan was put in the Court.

5. Finding a prima-facie case against the accused, he was

charge-sheeted for committing offence punishable under Section 304-A IPC to which he did not plead guilty but claimed trial. After taking entire prosecution evidence, statement of accused, under Section 313 Cr.P.C., was recorded, wherein accused denied each prosecution allegation and pleaded his innocence.

6. After hearing both the counsel for the parties and appraising the entire evidence and material on record, the revisionist was firstly convicted by the learned trial Court and thereafter the judgment of conviction was maintained by the learned Additional Sessions Judge, Kapurthala, vide judgment dated 08.07.2004, as mentioned in the earlier part of this judgment.

7. I have heard Mr. K. K. Goel, Advocate, learned counsel for the petitioner-revisionist and Mr. Amarinder Singh, Assistant Advocate General, Punjab for the respondent-State besides appraising the entire evidence and material on record.

8. After arguing for sometime, learned counsel for the petitioner-revisionist contended that in-fact revisionist has already undergone substantive period of sentence i.e. 1 years 6 months and 16 days as per custody certificate produced on file today in the Court. The total period of sentence awarded is two years. Accused-revisionist has already faced protracted trial. He does not assail the findings of the conviction recorded against the revisionist by both the Court below in case the sentence of revisionist is reduced to the one already undergone.

9. Mr. Amarinder Singh, Assistant Advocate General, Punjab for the respondent-State also has no serious objection regarding the argument of learned counsel for the revisionist.

10. From the custody certificate, placed on file today in the Court, it is evident that the revisionist has already undergone 1 year 6 months and 16 days

sentence including remissions. The total period of sentence awarded is two years. The case is of the end of the year 1999. Revisionist has faced protracted trial. During this period of 15 years, the revisionist has undergone agony of trial. At the time of commission of this crime, he was of the age of 50 years. At present, his age must be 65 years. The total period of sentence awarded to him was two years. Out of which he had already undergone substantive period of sentence i.e. 1 year 6 months and 16 days. Under these circumstances, I am of the considered view that the ends of justice would be met in case the order of sentence is modified by reducing the sentence of revisionist to the one already undergone. Accordingly, the order of sentence dated 28.11.2000 which was affirmed by the learned Additional Sessions Judge, Kapurthala vide judgment dated 08.07.2004; is modified by reducing the sentence of the revisionist to the one already undergone. However, the sentence of fine shall remain intact.

11. Disposed of, accordingly.

(Raj Rahul Garg)
Judge

03.02.2016
Waseem Ansari