

CRR No. 3871 of 2013
DECIDED ON: APRIL 27, 2016

.....PETITIONER

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of local papers 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?*

Present: Mr. R.S. Cheema, Sr. Advocate with
Ms. Sumanjeet Kaur, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Ajeet Pal Singh Pakka, Advocate
for the LRs of the deceased

JASPAL SINGH, J

1. The instant revision has been preferred by Baljit Singh challenging judgment dated November 12, 2013 passed by learned Additional Sessions Judge, Ludhiana, whereby judgment of conviction and order of sentence dated May 12, 2012 passed by Judicial Magistrate Ist Class, Ludhiana, in case bearing FIR No.100 dated September 26, 2007 under Sections 279, 337, 338, 427 and

304-A IPC, Police Station Dakha, Ludhiana has been upheld, vide which, the accused – petitioner has been sentenced to undergo RI for a period of one year for commission of an offence punishable under Section 304-A IPC, alongwith some other offences; besides to pay fine.

2. It has been *inter-alia* contended by learned counsel for the petitioner that since a compromise has been arrived at in between the parties and an additional compensation of ₹1,00,000/- has been paid to the LRs of the deceased, he does not challenge the conviction on merits and only confines his relief qua quantum of sentence.

3. He further submits that moreover, petitioner is a sole bread-winner, having small children and old aged parents, who are completely dependent upon him. Further, he is not a previous convict. He is neither required nor involved in any other case, therefore, his substantive sentence may be reduced to the period already undergone.

4. Learned counsel for the State as well as counsel for the LRs of the deceased did not raise any dispute with regard to the factual position as stated above.

5. Though, learned counsel for the petitioner has not disputed the order of conviction passed by learned trial Court and upheld by First Appellate Court and this Court does not feel necessity to go in detail with regard to the factual aspects of the case, yet to satisfy its conscience, this Court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

6. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner has suffered incarceration for a period more than one month; besides facing the agony of protracted trial since September 2007.

7. Undisputably, petitioner has asserted himself to be not a previous convict, which has not refuted by learned State counsel as well as to the counsel for LRs of the deceased and he is neither involved nor required in any other case. Therefore, a lenient view be taken in the matter of sentence.

8. Thus, this Court is of the view that once a matter has been compromised by the parties and LRs of the deceased have also been duly compensated, no useful purpose would be served by continuing the proceedings and to decide the matter between the parties on merits. Rather it would be nothing but an abuse of process of law as well as the wastage of time of the Court as well as the parties. This court is also of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen.

9. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause.

10. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

APRIL 27, 2016
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(JASPAL SINGH)
JUDGE