

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**  
**Sr. No.: 235**

**Criminal Revision No.1660 of 2015 (O & M)**  
**Date of Decision: September 02, 2016**

**Shabir Ahmed @ Gulzar**

..... PETITIONER

**VERSUS**

**State of Punjab and others**

..... RESPONDENTS

...

**CORAM:**      **HON'BLE MR. JUSTICE JASPAL SINGH**

...

**PRESENT:** - Mr. Vinay Pandey, Advocate, for  
Mr. Abhinav Gupta, Advocate  
for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab.

Mr. Vivek Salathia, Advocate  
for respondents No.2 to 5.

. . .

**Jaspal Singh, J**

1.                    The instant revision petition has been preferred by the petitioner against judgment dated April 17, 2015 passed by the Sessions Judge, Nawanshahar, whereby judgment of conviction and order of sentence dated March 20, 2014 passed by the trial court, in FIR No.120 dated 24.10.2007, under Sections 279, 331, 427, 304-A of Indian Penal Code (for short, 'IPC'), has been upheld. The petitioner was convicted and sentenced to undergo rigorous imprisonment for the period of one and a half years for committing the offence under Section 304-A IPC and fine of ₹1,000/-, rigorous imprisonment for the period of six months for committing the offence under Section 279 IPC and fine of ₹300/-, rigorous imprisonment for the period of six months for committing the offence under Section 427 IPC and fine of ₹500/-. In default of payment of fine, the accused shall

undergo rigorous imprisonment for the period of one month, ten days and twelve days, under Sections 304-A, 279, 427 IPC, respectively.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/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 under the aforesaid provision of the Act is concerned. As such, the conviction of the petitioner is upheld.

3. During the pendency of the instant revision petition, the petitioner offered a sum of ₹2.5 lacs as compensation to be paid to the LRs of deceased-Arun Kumar and subsequently when this offer was accepted on behalf of LRs of deceased-Arun Kumar, a sum of ₹2.5 lac has been deposited with the Office of Registrar General by the petitioner vide receipt No.997 dated 4<sup>th</sup> August, 2016.

4. In addition to the fact that the petitioner has paid a sum of ₹2.5 lacs as compensation, there are also other mitigating circumstances which coax this Court to take a lenient view in the matter of sentence awarded by the trial Court and upheld by the lower Appellate Court. Not only the petitioner is facing an agony of protracted trial for the last more than 09 years i.e. since the date of registration of the FIR. He has suffered incarceration of more than 06 months as is evident from the custody certificate dated 2<sup>nd</sup> September, 2016. It would also be pertinent to mention here that the petitioner is not a previous convict. Neither any other case is pending against the petitioner nor any such case has earlier been disposed of. He is the only bread winner of the family and has to support his family.

Thus, this Court is of the considered view that the petitioner deserves some concession in the quantum of sentence.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon them by the courts below is reduced to the period already undergone by him, with no change in fine clause.

6. Before parting with this judgment, it is observed that the amount of ₹2.5 lacs deposited by the petitioner by way of compensation shall be withdrawn by Mamta Rani to the extent of ₹2 lacs i.e. on her behalf as well as on behalf of respondents No.3 and 4 (son and daughter), whereas, for remaining amount of ₹50,000/- respondent No.5, mother of the deceased who shall be entitled to withdraw and use.

7. With the aforesaid modification and observation, the revision petition stands dismissed.

**September 02, 2016**  
*m. sharma*

**(Jaspal Singh)**  
**Judge**

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No