

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 2028 of 2015
Date of decision : 01.03.2016

Darshan Singh
....Petitioner

V/s

State of Punjab
....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Pankaj Bhardwaj, Advocate for the petitioner.
Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

Petitioner Darshan Singh had been convicted by Sub
Divisional Judicial Magistrate, Abohar under sections 304-A & 337
IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
304-A IPC	To undergo R.I. for two years and to pay fine of ₹2000/- and in default thereof to further undergo R.I. for one month.
337 IPC	To undergo R.I. for six months and to pay fine of ₹500/- and in default thereof to further undergo R.I. for 15 days.

Both the sentences were ordered to run concurrently.
Petitioner preferred appeal before Additional Sessions Judge, Fazilka
which was dismissed vide judgment dated 11.05.2015. Feeling
aggrieved against the judgments of both the courts below,
petitioner has approached this court through the instant Criminal
Revision.

Learned counsel for the petitioner at the outset states

that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 27.05.2006, complainant Nasib Singh made a statement to the police that on the said date he alongwith his uncle Bohar Singh (deceased) was coming to his village Gurusar Jodha from village Tootwala on motor-cycle Bajaj CT 100 bearing registration No. PB-53-A 4517. He was driving the motorcycle while his uncle was a pillion. At about 8.00 p.m. when they were one kilometer behind village Malookpura, at that time, one ford tractor coming from wrong side driven by accused (petitioner herein) in a rash and negligent manner and without blowing horn struck against their motorcycle. Resultantly, they both fell down on the road. However, his uncle Bohar Singh received grievous injuries on various parts of his body. The driver of said tractor ran away from the spot. They were admitted to Civil Hospital, Malout where his uncle Bohar Singh succumbed to his injuries. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under sections 304-A, 279 & 337 IPC charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as five witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, examine one witness in his defence.

On the basis of the evidence on record, learned trial court held the petitioner guilty of the charges under sections 304-A & 337 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Fazilka on 11.05.2015.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is first offender and main bread winner of his family. He has stated that he is conscious that the

scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Baldev Singh, Deputy Superintendent, Central Jail, Ferozepur, according to which the petitioner had undergone actual sentence of 10 months and 08 days with remission as on 29.02.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. But he is burdened with a fine of ₹30,000/- to be paid as compensation to the legal heirs of the deceased. Ordered accordingly.

The amount of fine shall be deposited within three months from the date of receipt of certified copy of this order. However, in case aforesaid fine is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court. Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

March 01, 2016

Ajay

(RAJAN GUPTA)
JUDGE