

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2048 of 2015 (O/M)
Date of decision : 28.1.2016

Balwinder Singh @ Manvinder Singh Revisionist

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sukhmeet Singh, Advocate, for the revisionist.

Mr. Arshdeep S. Kler, Deputy A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Impugned in the present revision is the judgment dated 9.3.2015, passed by the learned Additional Sessions Judge, Tarn Taran, affirming the judgment of conviction and order of sentence dated 23.8.2014, passed by the learned Additional Chief Judicial Magistrate, Tarn Taran, vide which the present revisionist was convicted under Sections 279, 304-A, 427 IPC. He was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 500/-, in default thereof to further undergo rigorous imprisonment for one month under Section 279 IPC. He was also sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 500/-, in default thereof, to further undergo rigorous imprisonment for

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one month under Section 304-A IPC. He was also sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 1,000/-, in default thereof, to further undergo rigorous imprisonment for one month. All the sentences were ordered to run concurrently. However, the first appellate Court acquitted the revisionist of the charges punishable under Section 427 IPC and maintained the sentences awarded under Sections 279 and 304-A IPC.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

It comes out that the allegations against the revisionist are that he was driving a truck, which was carrying devotees. Near village Sangha, his truck struck against the motorcycle of the deceased Parvesh Kumar alias Rinku, who died at the spot. His father witnessed the occurrence. It also comes out that during the trial, the complainant supported the prosecution case. The accused was named in the FIR. There can be no difficulty for identification of the accused since many passengers were also travelling in the truck and they knew as to who was driving the truck and complainant could enquire from them. There are concurrent findings of facts by two Courts below. Therefore, there is no ground to interfere in the well reasoned judgments of both the Courts below. However, it comes out that the revisionist was sentenced to undergo rigorous

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imprisonment for two years for commission of offence punishable under Section 304-A IPC and rigorous imprisonment for six months under Section 279 IPC. Therefore, keeping in view the facts and circumstances of the case, while maintaining the conviction of the revisionist under Sections 279 and 304-A IPC, the sentence of imprisonment, passed under Section 304-A IPC is reduced from rigorous imprisonment for 2 years to 1 ½ years. The remaining sentence is maintained.

With abovesaid modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

28.1.2016
sjks