

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR- 2159 of 2015
Date of Decision: April 11, 2016.

Jagmeet Singh
....Petitioner

Versus
State of Punjab.
.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. J.S.Warring, Advocate
for the petitioner.

Mr.Shilesh Gupta, Addl.A.G., Punjab

Rajan Gupta, J (Oral)

Petitioner had been convicted by Judicial Magistrate Ist Class, Fazilka under Sections 304-A, 279, 427 IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
304-A IPC	To undergo R.I for two years.
279 IPC	To undergo R.I for six months.

The petitioner preferred appeal before Additional Sessions Judge, Fazilka against the judgment of his conviction/sentence and the same was dismissed vide judgment dated 15.4.2015. 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 25.1.2010, police party led by ASI-Gurdev Singh alongwith HC-Nand Lal, HC-Tilak Raj & PHG Raj Kumar were on patrolling duty and were going towards village Dhani Kharaswali. When the police party was present at Bus Stand, Abhun, District Fazilka, one Jaswinder Singh son of Bakhshish Singh resident of village Islamwala appeared before ASI-Gurdev Singh and got recorded his statement to the effect that he was a labourer by profession. The complainant further stated that at about 6 pm, he alongwith his father-Bakhshish Singh and uncle-Harnek Singh were returning to their village on their bi-cycles on Fazilka-Malout road after irrigating their fields. When they crossed about 1 km of village Tahliwala Bodla on Malout road, one mini bus being driven by its driver in a rash and negligent manner took a sudden turn and hit the same to the bi-cycle of his father. Due to which, his father alongwith bicycle fell down and got serious head injuries. His father died on the spot. Accordingly, a ruqa was sent to the police station, which led to lodging of FIR against the accused. After recording the statements of the witnesses by the investigating officer, accused-Jagmit Singh was arrested and later on released on bail. Challan was presented against the accused for trial.

Finding prima facie case under Sections 279/304-A 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 eight 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 same and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of evidence on record, learned trial court held the petitioner guilty of the charges under Sections 279/304-A IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by Additional Sessions Judge, Fatehgarh Sahib vide orders dated 15.4.2015.

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 a poor person 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 custody of 10 months and 27 days as on 9.4.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to one year. But the petitioner is burdened with a fine of Rs.50,000/- to be paid as compensation to the legal heirs of the deceased. Ordered accordingly.

As legal heirs of deceased have been compensated in exercise of powers under Section 357(4), fine imposed by the court below stands waived. Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(Rajan Gupta)
Judge

April 11, 2016.
BB/Ajay