

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2290-2015 (O & M)
Date of decision:27.05.2016

Vijay Singh
...Petitioner(s)

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr.Karanjit Singh, Advocate,
for the petitioner(s).

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

Rajan Gupta, J. (oral)

Petitioner had been convicted by the Judicial Magistrate Ist Class, Amritsar, under sections 304-A and 279 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 ₹1000/- and in default thereof to further undergo S.I. for 7 days.
279 IPC	To undergo R.I. for six months.

The petitioner preferred appeal before Additional Sessions Judge, Amritsar, against the judgment of his conviction/sentence. Vide judgment dated 16.05.2015, same was dismissed. Feeling aggrieved against the judgments of both the courts below, petitioners have 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 30.04.2008 at about 12.30 p.m., deceased Inderjit Singh was returning from school Majithia on his motorcycle bearing registration no.PB-02-AF-3170. When he reached near Chownk Majithia road bye-pass, truck bearing registration no. HR-38-H-6381 driven by the petitioner in rash and negligent manner collided with the motorcycle of the Inderjit Singh from back side. The complainant Gurinderjit Singh was present at the spot. As a result, Inderjit Singh fell on the ground and received multiple injuries on his head and other parts of the body. He was immediately rushed to Guru Nanak Dev Hospital, Amritsar, where he 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 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, did not examine any witness in his defence.

On the basis of the evidence on record, learned trial court held the petitioner guilty of the charge under sections 304-A/279 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Amritsar.

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 first offender, has old aged parents, minor children to look after and is only 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 already placed on record affidavit

of Satnam Singh, PPS, Officiating Superintendent, Central Jail, Amritsar. According to which petitioner had undergone total custody of 01 year and 10 days as on 26.05.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 01 year and 04 months.

The amount of fine shall be deposited within three months from the date of receipt of certified copy of this order. However, in case 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.

27.05.2016
sukhpreet

(RAJAN GUPTA)
JUDGE