

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.2298 of 2015 (O&M)

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Date of decision:30.5.2016

Raghubir Chand

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Kamaldeep S. Sodhi, Advocate for the petitioner.

Mr. P.S. Grewal, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 10.6.2015 passed by learned Additional Sessions Judge, Gurdaspur, whereby the appeal filed against the judgment of conviction and order of sentence dated 6.12.2011 passed by learned Sub Divisional Judicial Magistrate, Batala, convicting and sentencing the petitioner for the offence under Section 304-A IPC and sentencing him to undergo rigorous imprisonment for two years and to pay a fine of ₹2,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month, has been dismissed.

At the time of preliminary hearing, learned counsel for the

petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Therefore, notice of motion was issued qua quantum of sentence only.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this criminal revision petition.

The brief facts of the case as noted down by the learned Sub Divisional Judicial Magistrate, Batala in his judgment dated 6.12.2011 are as under:-

“Complainant Constable Salwinder Singh lodged a complaint on 28.06.2005 at 6-25 P.M. (Ex.PB) alleging therein that he was deputed on general duty at police post Bus Stand, Batala. On 28.06.2005 he along with Constable Paramjit Singh was present in connection with duty from 12-00 p.m. to 8-00 p.m. at Gurdaspur Counter, Bus Stand Batala. At about 5-30 p.m. one bus bearing registration No.PB-10-T-2932 being driven by the accused Raghbir Chand, who was already known to the complainant came and stopped the bus at Gurdaspur Counter. The complainant alleged that few passengers dismounted from the bus, then driver of the bus suddenly in a hurried manner moved the bus with jolt and resultantly one young man, aged about 22/23 years who was standing in the front door of the bus

fell down and was run over by the rear left tyre of the bus. Complainant alleged that said young man died at the spot and driver of the bus ran away from the scene. Complainant alleged that because of the negligent and sudden high speed driving which resulted into jolt, has caused the death of said young man. On the statement of complainant, instant FIR under Sections 279, 304-A IPC was registered against the accused. The inquest report was prepared. During investigation post mortem over the dead body of deceased Jeet Ram was got conducted. The statement of the witnesses were recorded. The accused was arrested on 30.06.2005. The mechanical test report of the offending bus was obtained and on completion of investigation, challan against above said accused person was presented before the Court.”

Learned Sub Divisional Judicial Magistrate, Batala, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Additional Sessions Judge, Gurdaspur vide judgment dated 10.6.2015.

Aggrieved from the above-said judgments, present revision petition has been filed.

Today again, learned counsel for the petitioner prayed for reduction of sentence. He argued that the petitioner is an old person more than 60 years of age. He is a poor person and only bread earner of his family and has suffered a lot for the last about 11 years and is the first

offender.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioner is the first offender, only bread earner of his family and is suffering from long protracted criminal proceedings for the last more than 11 years and in view of the fact the petitioner has already undergone imprisonment of 5 months and 8 days as on 27.11.2015 out of the total sentence, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for one year instead of two years. However, the sentence of fine and in default thereof, will remain the same.

With the above modification in the sentence of imprisonment, the present revision petition is dismissed.

May 30, 2016.

(Inderjit Singh)
Judge

hsp