

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Sr. No.223

CRM No.20573 of 2015 in/and  
CRR No.2375 of 2015  
Date of decision:- January 15, 2016

Om Parkash  
VS  
State of Punjab  
...PETITIONER..  
...RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.S. Gulati, Advocate for  
Mr. A.S. Sullar, Advocate for the petitioner.

Mr. Aditya Sanghi, Addl.A.G., Punjab.  
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Jaspal Singh, J. (Oral)

Present criminal revision petition has been filed challenging the judgment of conviction and order of sentence dated May 11, 2015 passed by the Court of Additional Sessions Judge, SAS, Nagar Mohali whereby he has affirmed the judgment of conviction and order of sentence dated November 28, 2014 passed by the Id. Magistrate, Derabassi vide which the petitioner was convicted under Sections 279/304-IPC and sentenced as under:-

| Charges   | Sentences                                   | Fine     | In default                                        |
|-----------|---------------------------------------------|----------|---------------------------------------------------|
| 279 IPC   | To undergo simple imprisonment for 4 months | Rs.100   | To undergo simple imprisonment for 3 days         |
| 304-A IPC | To undergo simple imprisonment for one year | Rs.100/- | To further undergo simple imprisonment for 3 days |

Both the substantive sentences of imprisonment were ordered to run concurrently.

At the time of issuance of notice of motion, learned counsel for the petitioner submitted that he does not intend to press this petition on merits and conviction of the petitioner be upheld. The present petition

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may be considered only for the purpose of granting the benefit of probation, petitioner being the first offender.

This Court has also gone through the evidence available on the lower court's record and find that the conviction of the petitioner under Sections 279 and 304-A IPC is fully justified and does not call for any interference by this Court. As such, conviction of the petitioner awarded by the Id. Magistrate and confirmed by the Id. Additional Sessions Judge is upheld.

However, while arguing on the quantum of sentence, learned counsel for the petitioner has sought release of the petitioner on probation, he being a first offender but this Court does not find any substance in this submission because he has chopped of the life of Brij Mohan Swami, aged 49 years, due to his rash and negligent act of driving. At the same time, this Court can't lost sight of the fact that petitioner is behind the bars since the date of dismissal of Criminal Appeal No. 117/09.12.2014, by Id. Additional Sessions Judge, Mohali, i.e. for the last about 8 months.

In the light of above narrated facts and circumstances, this Court is of the considered view that the ends of justice would meet, if the sentence awarded to the petitioner is modified and stands reduced to the period already undergone by the petitioner and the order is made accordingly.

Petition stands disposed of.

**JANUARY 15, 2016**

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**(JASPAL SINGH)**

**JUDGE**