

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.2556 of 2015 (O&M)

.....

Date of decision:12.2.2016

Kesar Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.G.S. Dhillon, Advocate for the petitioner.

Ms. Shivali, Assistant 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 26.5.2015 passed by learned Additional Sessions Judge, Patiala, whereby the appeal filed by the petitioner against the judgment of conviction and the order of sentence dated 13.10.2014 passed by the learned Sub Divisional Judicial Magistrate, Samana, convicting and sentencing the petitioner for the offences under Section 279, 304-A and 427 IPC for undergoing rigorous imprisonment for two years and to pay a fine of ₹8,000/- and in default of payment of fine to further undergo simple imprisonment for one month for the offence under Section 304-A IPC; for undergoing rigorous imprisonment for six months

and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo simple imprisonment for fifteen days for the offence under Section 279 IPC and for undergoing rigorous imprisonment for six months and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo simple imprisonment for fifteen days for the offence under Section 427 IPC, has been dismissed.

Notice of motion has been issued in this criminal revision only qua quantum of sentence.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this revision petition. Learned State counsel has also placed on record custody certificate, according to which the petitioner has already undergone 8 months and 14 days of sentence of imprisonment and earned remission of two months and two days. Therefore, the petitioner has undergone total custody including remission for ten months and sixteen days till 10.2.2016.

Learned counsel for the petitioner at the time of arguments argued that the petitioner is the first offender. He is a poor person and only bread earner of his family. He also argued that the petitioner is suffering for the last about more than five years of protracted criminal trial.

After hearing learned counsel for the revision petitioner and learned Assistant Advocate General, Punjab and going through the record, I find that the petitioner is the first offender and poor person and only bread earner of his family and further he has already undergone sentence of imprisonment for more than ten months so far including the remission.

Further more, the petitioner is suffering from the long protracted criminal proceedings for the last more than five years.

Keeping in view the facts and circumstances of the present case, the sentence of imprisonment of the petitioner is reduced and he is directed to undergo rigorous imprisonment for one year instead of two years for the offence under Section 304-A IPC. The sentence of imprisonment under other Sections and the sentence of fine and in default of fine shall remain the same.

With the above modification in the sentence of imprisonment, the criminal petition is disposed of.

February 12, 2016.

(Inderjit Singh)
Judge

hsp