

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM Nos. 22327-29 of 2015 &
CRR No. 2557 of 2015 (O&M)
Date of decision : 18.01.2016

Piara Singh
....Petitioner

V/s

State of U.T. Chandigarh
....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Karan Singla, Advocate for the petitioner.
Ms. Ashima Mor, Advocate for the U.T. Chandigarh.

RAJAN GUPTA J.

CRM No. 22327 of 2015

This is an application seeking condonation of 225 days delay in filing the revision petition.

For the reasons mentioned in the application, same is allowed. Delay of 225 days in filing the revision petition is condoned.

CRR No. 2557 of 2015

Petitioner Piara Singh had been convicted by the Judicial Magistrate Ist Class, Chandigarh under sections 279 & 304-A IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
279 IPC	To undergo R.I. for three months.
304-A IPC	To undergo R.I. for two years and to pay fine of ₹2,000/- and in default thereof to further undergo R.I. for two months.

The petitioner preferred appeal before Additional Sessions Judge, Chandigarh which was dismissed vide judgment dated 04.09.2014. 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 05.10.2002, complainant Tulsi Ram made a complaint to the police that he was doing job in Punjab State Electricity Board, Phase-I, Mohali. On the said date at about 3.30 P.M. he was going to Panchkula on cycle. When he reached near diving road of Sectors 55/56 at that time, a jeep bearing registration no. CH-03-E-7723 driven by the accused (petitioner herein) in a rash and negligent manner came at a high speed and struck against him. Resultantly, he fell down and received injuries. He was, later admitted to PGI, Chandigarh. 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 279, 337 & 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 nine 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 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 the learned Additional Sessions Judge, Chandigarh on 04.09.2014.

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 first offender 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 already placed on record affidavit of Amandeep Singh, Superintendent, Model Jail, Chandigarh, according to which petitioner had undergone actual custody of approximately 06 months till date.

Keeping in view the facts and circumstances of the case, it is directed that sentence awarded to the petitioner shall be reduced to 1½ years. However, fine imposed by the trial court shall remain intact. Ordered accordingly.

The amount of fine if not already paid 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.

CRM Nos. 22327-29 of 2015

As the main revision petition has been dismissed, no order needs to be passed in these applications.

January 18, 2016

Ajay

(RAJAN GUPTA)
JUDGE