

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.2777 of 2014

DATE OF DECISION: August 03,2016

Satpal

...Petitioner

versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present: Sh. Sanjeev Majra, Advocate for the petitioner.
Mr.Vikas Malik, DAG, Haryana.

AJAY TEWARI, J.(ORAL)

Learned State counsel has placed on record the custody certificate of the petitioner by way of affidavit of Raj Kumar, Superintendent Jail, District Prison, Kaithal. As per custody certificate, the petitioner has undergone almost five months and eight days of actual incarceration out of one year as on 2.8.2016.

The petitioner was convicted by Chief Judicial Magistrate, Kaithal for offence under Sections 279,304-A IPC vide judgment dated 1.3.2012 and was sentenced to undergo RI for one year and fine of Rs.2,000/- under Section 304-A IPC

vide order dated 2.3.2012.

Aggrieved by judgment of conviction and order of sentence, the petitioner filed an appeal before Additional Sessions Judge, Kaithal which was dismissed on 19.7.2014 and judgment of trial Court was upheld. The petitioner filed the present petition.

It is the case of the prosecution that on 18.10.2007 while driving the offending vehicle in rash and negligent manner, the petitioner struck the Activa scooter being driven by the deceased Kiran who succumbed to her injuries.

On the threshold, learned counsel for the petitioner raised various arguments, but when this Court was not convinced, he submits that he does not wish to challenge the judgment of conviction and prays for reduction of sentence. He submits that the petitioner has already undergone actual sentence of more than five months against total sentence of one year and he is facing agony of trial for the last more than nine years. He further the petitioner is only sole bread winner of his family and he is having no criminal background and is first offender. Reliance has been placed upon the decision of Hon'ble the Apex Court in State of Punjab v.

Saurabh Bakshi 2015 RCR (Crl.) 495 to argue that in that case one person had died and sentence was reduced to six months.

Learned State counsel has not disputed the custody period but opposes the prayer of the petitioner.

Heard arguments of learned counsel for the parties and have also perused the judgments of both the Courts below. Keeping in view the circumstances and submissions as mentioned above, while maintaining the conviction, it would be in the interest of justice to reduce his sentence to the period of six months.

While admitting the revision petition, this Court vide order dated 19.2.2014 had ordered the release of the petitioner on bail.

Accordingly, it is directed that now the petitioner would surrender before the Chief Judicial Magistrate/Duty Magistrate, Kaithal to serve the remainder part of sentence.

With the observations made above, the present revision petition is disposed of.

August 03, 2016
KD

(Ajay Tewari)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No