

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 2787 of 2015
Date of decision : 08.01.2016

Rajinder Singh @ Jindu
....Petitioner

V/s

State of Punjab
....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Bhalla, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

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

Offence	Sentence
304-A IPC	To undergo R.I. for two years and to pay fine of ₹1000/- and in default thereof to further undergo R.I. for 10 days.
279 IPC	To undergo R.I. for six months.

The petitioner preferred appeal before Additional Sessions Judge, Amritsar which was dismissed by Additional Sessions Judge, Amritsar vide judgment dated 30.04.2015. 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 11.08.2011, complainant Avtar Singh made a complaint to the police that he was labourer by profession. On the said date at about 1.00 p.m., he alongwith his father was coming towards the side of Chungi from the side of small canal. His father was going ahead of him and was attending a call on his mobile phone. At that time, a mini bus bearing registration no. PB02-BA-9805 yellow color driven by the accused (petitioner herein) in a rash and negligent manner came at a high speed struck against his father. Resultantly, his father fell down and driver of said bus ran away from the spot. His father was admitted to a hospital where he succumbed to his injuries. 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 304-A & 279 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 six 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.

On the basis of the evidence on record, learned trial court held the petitioner guilty of the charges under sections 304-A & 279 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Amritsar on 30.04.2015.

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 placed on record affidavit of Ravinder Kumar Sharma, Superintendent, Central Jail, Amritsar,

according to which the petitioner had undergone actual custody of 08 months and 08 days as on 07.12.2015.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to one year. But the petitioner is burdened with a fine of ₹30,000/- to be paid as compensation to the legal heirs of the deceased. 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 aforesaid 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.

January 08, 2016

Ajay

(RAJAN GUPTA)
JUDGE