

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2980 of 2015 (O&M)****Date of Decision: January 12, 2016**

Balbir Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurmeet Singh, Advocate
for the petitioner.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Balbir Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 12.08.2014 passed by learned Addl. Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 279 IPC and to further undergo rigorous imprisonment for a period of one and half years and to pay fine of ₹2000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months under

Section 304-A IPC and also challenging the judgment dated 14.07.2015 passed by learned Addl. Sessions Judge, SBS Nagar, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that on 30.09.2008 at about 8.00 A.M., complainant Hans Raj along with his wife Anita Rani was going on scooty Trendy and when they were crossing the Saloh Road, Nawanshahr, then one truck bearing registration No.PB-10X-9697 driven by Balbir Singh (present petitioner) came at a very high speed in a rash and negligent manner and struck with complainant's scooty Trendy, due to which, both of them fell down and legs of his wife were crushed underneath the backside tyres of the truck. The complainant got admitted his wife in Raja Hospital, Nawanshahr, where she succumbed to her injuries on 30.11.2008.

Learned ACJM, SBS Nagar, convicted and sentenced the petitioner as stated above. An appeal was filed by the accused-petitioner and learned Addl. Sessions Judge, SBS Nagar, vide judgment dated 14.07.2015 dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the accused-petitioner.

At the time of issuance of notice of motion, learned counsel for the petitioner did not dispute the concurrent findings of Courts below regarding conviction and prayed for reduction of sentence and notice of motion was issued only on the quantum of sentence.

Learned State counsel appeared and contested the

revision petition.

At the time of arguments, learned counsel for the petitioner contended that the petitioner is a poor person and he is only the bread earner of the family. He further contended that petitioner is first offender and since 2008, the revision petitioner is suffering from long criminal trial. Therefore, he argued that lenient view may be taken.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case, the fact that the present petitioner is only bread earner of the family and he is first offender and further in view of the fact that the petitioner is suffering from long protracted criminal trial for the last more than seven years, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year under Section 304-A IPC instead of 1½ years. However, the other sentence and sentence of fine, shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

January 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE