In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Revision No.3140 of 2015 (O&M)

.....

Date of decision:10.5.2016

Billa

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.S. Saini, Advocate for Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. P.S. Grewal, Deputy 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 2.6.2015 passed by learned Additional Sessions Judge, Gurdaspur, vide which the appeal filed by the petitioner against the impugned judgment of conviction and order of sentence dated 23.1.2014 passed by learned Judicial Magistrate Ist Class, Batala, convicting the petitioner for the offence under Sections 304-A IPC and sentencing him to undergo rigorous imprisonment for two years and to pay a fine of ₹2,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 304-A IPC, has been dismissed. However, he has been acquitted for the offence

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under Section 337 IPC.

At the time of preliminary hearing, learned counsel for the petitioner only argued for reduction of sentence and he has not disputed the concurrent findings of the Courts below regarding conviction.

Notice of motion was issued only on the quantum of sentence.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this criminal revision petition.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab and have gone through the record.

At the time of arguments, learned counsel for the petitioner argued that the petitioner has compromised with the legal heirs of the deceased. He also argued that the petitioner is a poor person and only bread earner of the family, first offender and suffering from the long protracted criminal proceedings since the year 2006.

As per the allegations against the petitioner, due to his negligent and rash driving of tractor trolley, one peson Gurinderjit Singh died.

Keeping in view the fact that the petitioner is the first offender, poor person, only beard earner of the family and is suffering from the long protracted criminal proceedings for the last more than 10 years and further he has already effected a compromise, therefore, in view of all these facts, his sentence is reduced to rigorous imprisonment for one year instead of two

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years, but the sentence of fine and in default of fine shall remain the same.

With the above modification in the sentence of imprisonment, this criminal revision petition is dismissed.

May 10, 2016. **(Inderjit Singh)**
Judge

hsp

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