

Criminal Revision No.3277 of 2015 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 242

Criminal Revision No.3277 of 2015 (O & M)

Date of Decision: August 08, 2016

SUKHWINDER SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Amandeep Singh Cheema, Advocate, for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Sukhwinder Singh challenging judgment/Order dated December 11, 2012 passed by the Sub Divisional Judicial Magistrate, Budhlada, in case bearing FIR No.102 dated September 05, 2006 under Sections 279 & 304-A IPC, Police Station Boha as well as judgment dated June 10, 2015 passed by learned Sessions Judge, Mansa. Vide judgment/order dated December 11, 2012, he was convicted and sentenced as under:-

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Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Sukhwinder Singh	279 IPC 304-A IPC	6 months 2 years	---- ----	----- ----

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated June 10, 2015 passed by the lower appellate court. Aggrieved from the judgment passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on September 03, 2015, following order was passed by a coordinate Bench of this Court:-

“Challenge in this criminal revision petition is to the judgment dated 10.06.2015 passed by learned Sessions Judge, Mansa, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 279 and 304-A, IPC, recorded by learned Sub Divisional Judicial Magistrate, Budhlada, was dismissed.

At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

Notice of motion for 30.11.2015 with regard to quantum of sentence only.”

3. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/ evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 10 years after registration

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of the instant case and is a sole bread winner of the family and only source for livelihood for their old aged parents. Accused – petitioner is first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner had already suffered incarceration for a period of approximately one year & one month by now, as is evident from custody certificate dated April 24, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner is hereby directed to be released forthwith.

6. With the above modification in sentence, revision petition stands dismissed.

CRM No. 28666 of 2015

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

August 08, 2016
avin/

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No