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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3433 of 2015 (O/M)

Date of decision : 4.2.2016

Mukhtiar Singh @ Mukha

..... Revisionist

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Munish Parmar, Advocate, for the revisionist.

Mr. Arshdeep S. Kler, Deputy A.G. Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The allegation against the revisionist is that on 18.11.2010, while he was driving one Tata Magic four wheeler, he hit one Kulwant Kaur, aged about 73 years of age, as a result of which, Kulwant Kaur died. The revisionist was convicted for the commission of offences punishable under Sections 279 and 304-A IPC by the learned Judicial Magistrate 1st Class, Amritsar, vide judgment of conviction and order of sentence dated 5.6.2014. He was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 500/-, in default thereof, to further undergo rigorous imprisonment for one week under Section 279 IPC. He was also sentenced to undergo rigorous imprisonment for two years and

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to pay a fine of Rs. 1,000/-, in default thereof, to further undergo rigorous imprisonment for two weeks under Section 304-A IPC. Both the sentences were ordered to run concurrently.

At the time of preliminary arguments, the revision was pressed only qua the quantum of sentence.

I have heard the learned counsel for the parties and have also carefully gone through the file.

The learned counsel for the revisionist contends that the mother of revisionist is suffering from tuberculosis (TB). The revisionist is the only earning member of the family and his daughter is of marriageable age. It is stated that the deceased was of advanced age. Probably, there could be some fault on the part of Kulwant Kaur (deceased), while crossing the road.

Keeping in view facts and circumstances in its entirety, the sentence of the revisionist, awarded under Section 304-A IPC is reduced from 2 years rigorous imprisonment to 1 year rigorous imprisonment. The remaining part of sentence under Section 304-A IPC is maintained. The sentence under Section 279 IPC is also maintained.

With the abovesaid modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

4.2.2016
sjks