

Criminal Revision No.3437 of 2015 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 236

Criminal Revision No.3437 of 2015 (O & M)

Date of Decision: August 04, 2016

KANWAR SINGH

..... PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Deepak Sonak, Advocate, for the petitioner.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Kanwar Singh challenging judgment of conviction dated August 31, 2012 and order of sentence dated September 04, 2012, passed by the Sub Divisional Judicial Magistrate, Mohindergarh, in case bearing FIR No.127 dated April 12, 2008, under Sections 279 & 304-A IPC, Police Station Mohindergarh as well as judgment dated August 07, 2015 passed by learned Sessions Judge, Narnaul. Vide judgment of conviction dated August 31, 2012 and order of sentence dated September 04, 2012, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Kanwar Singh	279 IPC 304-A IPC	6 months 2 years	---- 500/-	----- ----

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated August 07, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on September 14, 2015, following order was passed by a coordinate Bench of this Court:-

“Learned counsel for the petitioner submits that keeping in view the peculiar facts and circumstances of the case, he does not intend to press this petition on merits, seeking acquittal of the petitioner. He further submits that let conviction of the petitioner be upheld and the present petition may be considered only for the limited purpose of reduction of sentence.

Let notice be issued to the Advocate General, Punjab, only qua quantum of sentence, for 3.11.2015.”

3. This Court has also scrutinized the impugned judgment(s) 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 08 years & 04 months after registration of the instant case; is a poor person having a small daughter; is a

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sole bread winner of the family and only source for livelihood for their old aged parents. Accused – petitioner is also 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 more than one year by now, as is evident from custody certificate dated March 31, 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. 30052 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 04, 2016
avin/

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No