

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 217

Criminal Revision No.3495 of 2015 (O & M)

Date of Decision: June 01, 2016

Jinder Singh @ Jinder

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

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

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PRESENT: - Mr. Amit Arora, Advocate, for the petitioner.

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

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Jaspal Singh, J

1. The instant revision has been preferred by Jinder Singh @ Jinder challenging judgments/Order(s) dated March 12, 2015 passed by the Judicial Magistrate Ist Class, Amritsar, in case bearing FIR No.158 dated November 12, 2012 under Sections 304-A, 279, 337 & 338 IPC, Police Station Chattiwind, District Amritsar as well as judgment dated July 27, 2015 passed by learned

Additional Sessions Judge, Amritsar. Vide judgment/order dated March 12, 2015, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Jinder Singh @ Jinder	304-A IPC	2 years	2,000/-	Two Months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated July 27, 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 April 11, 2016, this Court passed the following order:-

“Notice of motion to the respondent for 13.05.2016, only on the ground of quantum of sentence. ”

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 the last more than 3 years & 7 months after registration 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 has already suffered incarceration for a period of approximately 10 months & 4 days by now, as is evident from custody certificate dated June 01, 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.

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

June 01, 2016
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(Jaspal Singh)
Judge