

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.3609 of 2015 (O&M)

Date of decision: 29.02.2016

Rajbir Singh Gill

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.D.D.Singla, Advocate for
Mr.Baljinder Singh Sra, Advocate for the petitioner
Mr.A.P.S.Gill, AAG Punjab

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh, J. (Oral)

Vide judgment of conviction and order of sentence dated 4.9.2012, the petitioner was convicted by learned Judicial Magistrate 1st Class, Ludhiana under Section 279 and 304-A IPC and sentenced to Rigorous Imprisonment for two months and fine of Rs.2,000/-, in default thereof, to undergo further Simple Imprisonment for ten days under Section 279 IPC. The petitioner was also sentenced to undergo Rigorous Imprisonment for six months and fine of Rs.2000/-, in default thereof, to undergo further Simple Imprisonment for 10 days under Section 304-A IPC. Both the sentences were directed to run concurrently. The appeal filed by the petitioner was dismissed by

learned Additional Sessions Judge, Ludhiana on 31.8.2015, holding that the sentence awarded by the trial Court is on the lower side. However, in the absence of appeal for enhancement, the same was maintained.

On the last date of hearing, learned counsel for the petitioner did not press the petition on merits and has pressed the petition only on the quantum of sentence.

Today, the learned State counsel has filed the custody certificate, which is taken on record, showing that the petitioner has already undergone the sentence awarded to him and he has been released on 29.1.2016 after completion of actual sentence.

It being so, the prayer for reduction of the sentence becomes infructuous. Therefore, the revision is accordingly disposed of as infructuous.

However, before parting with the order, this Court notices that the learned Judicial Magistrate 1st Class, Ludhiana had awarded the Rigorous Imprisonment for six months only under Section 304A IPC and the learned Additional Sessions Judge, Ludhiana observed that the same is inadequate. I concur with the view taken by the learned Additional Sessions Judge, Ludhiana. It appears that the officer is a new comer and is not conscious about the quantum of sentence to be awarded in the given circumstances, keeping in view the gravity of the offence. Therefore, while holding that the sentence awarded to the accused was inadequate, let a copy of this order be sent to Ms.Monika Chohan, Judicial Magistrate 1st Class, where-ever she is presently posted for future guidance to pass appropriate order

of sentence after considering the facts and circumstances of each case.

29.02.2016

gk

**(Kuldip Singh)
Judge**