

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 258

ANKUR GOYAL  
I attest to the accuracy and  
authenticity of this document

**Criminal Revision No.2474 of 2016 (O&M)**

**Date of Decision: August 31, 2016**

Pawan Kumar

..... PETITIONER

*VERSUS*

State of Punjab

..... RESPONDENT

. . .

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

**PRESENT:** - Mr. B.S. Ichhewal, Advocate, for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab.

. . .

**Jaspal Singh, J.**

1. The instant revision has been preferred by Pawan Kumar challenging judgment/Order dated August 23, 2014 passed by the Judicial Magistrate 1<sup>st</sup> Class, Rupnagar, in case bearing FIR No.189 dated December 11, 2008, under Sections 279, 427 & 304-A of IPC, registered at Police Station Morinda as well as judgment dated June 03, 2015 passed by learned Sessions Judge, Rupnagar. Vide judgment/order dated August 23, 2014, he was convicted and sentenced as under:-

| Name of Accused | U/s                  | RI                    | Fine (₹ )       | In default (S.I.)  |
|-----------------|----------------------|-----------------------|-----------------|--------------------|
| Pawan Kumar     | 279 IPC<br>304-A IPC | 06 months<br>02 years | 500/-<br>1000/- | 05 days<br>10 days |

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated June 03, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. 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.

3. 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 a period of more than 07 years & 08 months after registration of the instant case; is a poor person and is a sole bread winner of the family. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a period of 01 year, 08 months & 18 days by now, as is evident from custody certificate dated August 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 citizen; and to lead a peaceful & harmonious life.

4. 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 be released forthwith.

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

**CRM No. 21087 of 2016**

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 31, 2016**  
*Avin/Ankur*

**(Jaspal Singh)**  
**Judge**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**