

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3714 of 2015 (O&M)****Date of Decision: January 15, 2016**

Satish Kumar alias Billu

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Sumit Sangwan, Advocate
for the petitioner.Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Satish Kumar alias Billu against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 02.01.2015 passed by learned Judicial Magistrate Ist Class, Rohtak, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 304-A IPC and to further undergo rigorous imprisonment for a period of three months under Section 279 IPC and also challenging the judgment dated 15.07.2015 passed by learned Addl. Sessions Judge, Rohtak, vide which appeal filed by petitioner was dismissed.

Notice of motion in this case was issued only qua quantum of sentence and the conviction of the petitioner was upheld by this Court vide order dated 14.10.2015.

Learned State counsel appeared and contested the revision petition.

At the time of arguments, learned counsel for the petitioner only prayed for reduction of sentence and stated that petitioner is first offender. He further contended that petitioner is only bread earner of the family and is a poor person. He also contended that petitioner is suffering by facing criminal proceedings since 2009.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record and in view of the fact that while driving the *tralla* in rash and negligent manner at a high speed, the petitioner hit the bicycle of Jatinder Verma from backside and caused the accident due to which Jatinder Verma died, I find that the petitioner cannot be released on probation. However, keeping in view the fact that petitioner is suffering from long protracted criminal proceedings for the last more than 6½ years and the fact that the present petitioner is only bread earner of the family and poor person, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of 11 months under Section 304-A IPC instead of one year. However, the other sentence under Section 279 IPC, shall remain the same. Both the sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands dismissed.

January 15, 2016
Vgulati

(INDERJIT SINGH)
JUDGE