

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3804 of 2015 (O&M)

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Date of decision:12.4.2016

Lakhwinder Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Raj Paul Kansal, Advocate for the petitioner.

Mr. P.S. Grewal, Deputy Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 26.8.2015 passed by learned Additional Sessions Judge, Ludhiana, whereby the appeal filed by accused-Lakhwinder Singh against the impugned judgment of conviction and order of sentence dated 3.6.2014 passed by learned Judicial Magistrate Ist Class, Ludhiana, convicting the petitioner for the offences under Sections 304-A, 279, 337 and 427 IPC and sentencing him to undergo rigorous imprisonment for one year and to pay fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 427 IPC; further to undergo rigorous

imprisonment for two years and to pay fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for two months for the offence under Section 304-A IPC; further to undergo rigorous imprisonment for six months and to pay fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for fifteen days for the offence under Section 279 IPC and further to undergo rigorous imprisonment for six months and to pay fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for fifteen days for the offence under Section 337 IPC, has been dismissed.

At the time of preliminary hearing, notice of motion was issued in this case qua quantum of sentence only.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has appeared on behalf of respondent-State and contested this criminal revision petition.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab for respondent-State and have gone through the record.

Today, learned counsel for the petitioner prayed for taking a lenient view in the present case and prayed for reduction of sentence. He stated that the petitioner is a poor person and only bread earner of his family.

After hearing learned counsel for the petitioner as well as the learned State counsel and after going through the record, I find that the petitioner while driving the bus bearing registration No.PB-10-BK-0197 of

New Fatehgarh Company in rash and negligent manner hit the same against the scooter of the father of the complainant due to which the complainant's father and mother received injuries and his father succumbed to the injuries.

Custody certificate of the petitioner, which is taken on record, shows that he has already undergone seven months 16 days of actual period of sentence of imprisonment and has earned remission of one month and five days. The custody certificate also shows that there is another FIR registered against the petitioner bearing FIR No.32 dated 12.3.2014 for the offences under Sections 279, 338 and 304-A IPC, which is after the occurrence of this case and when the trial before the Judicial Magistrate Ist Class was going on.

Keeping in view the facts and circumstances of the present case, I do not find it a fit case where the petitioner is entitled to reduction of sentence.

Therefore, finding no merit in the present criminal revision petition, the same is dismissed.

April 12, 2016.

(Inderjit Singh)
Judge

hsp