

297 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3911 of 2015 (O&M)
DECIDED ON: APRIL 11, 2016

AJAY SINGLA

.....PETITIONER

VERSUS

STATE OF PUNJAB & ANR.

.....RESPONDENTS

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?***

petitioner has been sentenced to undergo RI for a period of two years for commission of an offence punishable under Section 304-A IPC.

Accused-petitioner was also directed to pay compensation to the tune of ₹1,50,000/- in terms of Section 357(3) Cr.P.C and in default of payment of compensation, he was further directed to undergo RI for a period of three months.

2. Learned counsel for the petitioner, at the very outset, submits that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner for the offence punishable under Section 304-A IPC. However, he submits that petitioner is the only bread winner of his family and is first offender. He has already undergone incarceration for a period of more than 06 months, out of total substantive sentence for a period of two years. He is neither required nor involved in any other case, therefore, his substantive sentence may be reduced to the period already undergone.

3. Learned counsel for the the State submits that the present criminal revision petition can be disposed of at this stage in view of the submissions of learned counsel for the petitioner.

4. This Court is also of the considered opinion that in view of the contention of the learned counsel for the petitioner and the stand taken by learned counsel for the State, the present petition can be disposed of at this stage. This Court has also scrutinized the impugned judgments as well as the relevant documents/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 is concerned. As such, the conviction of the petitioner is upheld.

5. So 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 appellate court. Apart from the fact that petitioner is facing the agony of protracted trial since 2009, he is first offender and is the only earning hand in his family. 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 more than six months, out of total substantive sentence for a period of two years and he never misused the concession of bail, which shows that he is in process of improving himself, therefore, some concession in substantive sentence can be extended to him. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

6. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the compensation clause. However, the compensation is stated to have already been paid.

7. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

APRIL 12, 2016
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(JASPAL SINGH)
JUDGE