

102+213

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR No.3976 of 2015 (O&M)
Date of Decision: May 26, 2016**

Amarjit

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vishal Munjal, Advocate
for the petitioner.

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

Mr.Sunil Agnihotri, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Amarjit against respondents State of Punjab and Vishal, challenging the impugned judgment of conviction and order of sentence dated 16.05.2013 passed by learned Chief Judicial Magistrate, Pathankot, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹100/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 30 days under Section 279 IPC and also to undergo rigorous imprisonment for a period of two years and to pay fine of ₹200/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 30 days under Section 304-A IPC and also

challenging the judgment dated 16.07.2015 passed by learned Addl. Sessions Judge, Pathankot, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.78 dated 14.11.2010. The brief facts of the case as noted down in the judgment passed by learned CJM, Pathankot, are as under:-

“The above named accused has been sent up by the SHO, Police Station, Narot Jaimal Singh to face trial in case FIR No.78 of 14.11.2010 under Sections 279/304-A IPC, PS Narot Jaimal Singh on the allegations that on 13.11.2011 at about 9.30 PM in the area bus stand Muthi, he was driving motor cycle make TVS Sports bearing Chassis No.MD625MF51A3A02047 so rashly and negligently on the public way endangering human life and personal safety of others and also caused death of Ashok Kumar not amounting to culpable homicide. He was arrested and investigation of the case was initiated. Statements of the witnesses were recorded and after completion of necessary formalities of the investigation, challan against the accused was prepared and presented in the Court.”

Learned CJM, Pathankot, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Pathankot vide judgment dated 16.07.2015.

Aggrieved from the above-said judgments, present revision

petition has been filed.

Learned counsel for the petitioner argued that the petitioner has compromised the matter with the LRs of the deceased. Learned counsel for respondent No.2 appeared and also stated that ₹80,000/- has already been paid as compensation in the compromise to the LRs of the deceased.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the compromise and compensation given by the petitioner and further in view of the fact that petitioner is facing criminal proceedings since 2010 i.e. for the last about six years and is first offender, only bread earner of the family, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of ten months instead of two years under Section 304-A IPC. However, the other sentence, sentence of fine and in default thereof, will remain the same. Both the sentences shall run concurrently.

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

May 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE