

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

**CRR-3029-2016 (O&M)
Date of decision-23.11.2016**

Prabhjot Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Umesh Aggarwal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present revision petition is directed against the judgment and order dated 17.03.2015 passed by Chief Judicial Magistrate, Amritsar vide which the petitioner was convicted under Sections 304-A, 279, 337 and 427 of Indian Penal Code (in short 'IPC'); and the judgment dated 16.07.2016 passed by learned Additional Sessions Judge, Amritsar vide which the appeal filed by the petitioner was dismissed.

The brief facts of the present case as noticed in the judgment passed by Lower Appellate Court are as under:-

“Case of the prosecution is based upon the statement of Sh. Gurwinderpal Singh s/o S. Sukhdial Singh, recorded by SI Sohan Lal on 18.2.2012. He has stated that he is running dairy business. He has two sons namely Jaspreet Singh

and Parminder Singh. His son Jaspreet Singh is studying in Canada whereas, his other son Parminder Singh has been student of 10+2 and has been going to tuitions in the after lunch session. On that day, at about 3.00 p.m., his son Parminder Singh was on his motorcycle Hero Honda Splender 4020 and he was going to take tuition. He took turn from Eminent Mall, Mall Road, Chowk towards Green Avenue at a slow speed. He along with his brother-in-law Kirandip Singh r/o Atari also were about to take turn. Then in the meanwhile, one Skoda Laura (white) bearing No.PB-02-BN-(Temp) 2143 which was being driven by Hindu Gentleman came at high speed, without blowing any horn from Kitchlu Chowk side, in a rash and negligent manner and hit his son. Due to which, his son fell down on the road and he suffered injuries on his head. The speed of the car was so much that driver could not control the same and damaged the Foundation stone as well as the poles. The driver ran away from the spot. The injured was taken to EMC Hospital, Green Avenue for treatment, who has been in serious condition to lastly prayed for taking action against the culprit. On the basis of this statement, present case was registered for offences under section 279, 337, 338 and 427 IPC. Investigation was started. Application for taking statement of injured was moved by the police, but the doctor declared him as unfit to make the statement. Thereafter, on 21.2.2012 upon receipt of information that injured Parminderpal Singh had

died, his post Mortem was got conducted. Offence under Section 304-A IPC was added. Accused was arrested and after completion on investigation. Challan against the accused was presented in the court.”

On 14.09.2016 this Court passed the following the order:-

“Case file perused and heard learned counsel for the petitioner.

Learned Courts below have recorded detailed reasons and given concurrent findings against the petitioner convicting him under Sections 279 and 304-A of the Indian Penal Code. This Court has given thoughtful consideration and finds that there is no scope for interference in the impugned judgments of conviction. Consequently, there is no merit in the revision petition and the same is hereby dismissed.

However, learned counsel for the petitioner prays for taking a lenient view in the matter of sentence.

Notice qua the quantum of sentence be issued for 20.10.2016.

Notice re: suspension of sentence as well.

Records of learned Courts below be requisitioned in the meantime.”

It is submitted by learned counsel for the petitioner that the petitioner is sole bread winner of his family and saddled with the responsibility of raising two minor children. The incident took place in the year 2012. The petitioner has suffered protracted trial for four years.

On the other hand, the learned State counsel opposed the

prayer of the accused and supported the judgment of conviction and order of sentence passed by the trial Court.

Even though the learned counsel for the petitioner has not challenged the judgment of conviction but to satisfy the conscience of this Court, the material available on record has been re-scanned. In case of the prosecution stands duly proved by testimonies of PWs. Therefore, the judgment of convictions stands affirmed.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

As regards the quantum of sentence, keeping in view the fact that despite a specific speed limit of 40 k.m. per hour, the petitioner had been driving the vehicle at a higher speed in negligent manner which resulted into the death of a young child; if lenient view is taken in such like cases it only will encourage such people who are menace to the society to repeat the crime. Therefore, this Court is not inclined to take a lenient view. The sentence awarded by the Courts below commensurate with the offence committed. No fault can be found with the order of sentence which is also affirmed.

Consequently, revision petition is dismissed.

(JITENDRA CHAUHAN)
JUDGE

November 23, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No