

Criminal Revision No.4281 of 2015 (O & M)

ANKUR GOYAL
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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 239

Criminal Revision No.4281 of 2015 (O & M)

Date of Decision: August 10, 2016

GURJIT SINGH @ GURJITA

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Joginder Sharma, Advocate, for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Gurjit Singh @ Gurjita challenging judgment/order dated May 08, 2014, passed by the Sub Divisional Judicial Magistrate, Nakodar, in case bearing FIR No.163, dated June 18, 2008, under Sections 279, 304-A, 337, 427 IPC & 181/132 of Motor Vehicles Act, 1988, Police Station Nakodar as well as judgment dated September 03, 2015 passed by learned Additional Sessions Judge, Jalandhar. Vide judgment/order dated May 08, 2014, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Gurjit Singh @ Gurjita	279 IPC	3 months	---	---
	337 IPC	6 months	---	---
	304-A IPC	02 years	3000/-	two months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated September 03, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on December 08, 2015, following order was passed by a Co-ordinate Bench of this Court:-

“CRM-36608-2015

After hearing learned counsel for the applicant and going through the contents of the application, the same is allowed. The applicant is granted exemption from filing the certified copy of judgment dated 08.05.2014 passed by learned Sub-Divisional Judicial Magistrate, Nakodar and the grounds of appeal filed before the learned Sessions Judge, Jalandhar.

CRR-4281-2015

Challenge in this criminal revision petition is to the judgment dated 03.09.2015 passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 279, 304-A and 337, IPC, recorded by learned Sub-Divisional Judicial Magistrate, Nakodar, was dismissed.

At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

Notice of motion for 26.02.2016 with regard to quantum of sentence only.”

3. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/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 under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

4. As 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 lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 08 years & 02 months after registration of the instant case; is 36 years old, is a person from poor strata of society, having wife and children to maintain; is a sole bread winner of the family and only source for livelihood for his old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner had already suffered incarceration for a period of 11 months & 20 days by now, as is evident from custody certificate dated August 09, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner is hereby directed to be released forthwith.

6. With the above modification in sentence, revision petition stands dismissed.

CRM No. 39426 of 2015

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

August 10, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No