

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

CRR-3207 of 2016 (O&M)

Date of decision: 24.10.2016

Surjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Jainainder Saini, Advocate for respondent No.2.

Jitendra Chauhan, J.

CRM-29453-2016

Allowed as prayed for. Compromise Annexure P-11 is taken on record subject to all just exceptions.

Main Case

By filing the present criminal revision, the petitioner has assailed the judgment dated 23.08.2016, vide which, learned Addl. Sessions Judge, Patiala, upheld the judgment dated 03.10.2015, passed by learned Judicial Magistrate 1st Class, Patiala, whereby, the petitioner was convicted under Sections 279 and 304-A of the Indian Penal Code and sentenced to undergo RI for a period of one year.

The short facts of the case as set out from the judgment of trial Court are that complainant Ishwar Dass son of Hardam Ram had

got recorded his statement with the police to the effect that on 12.05.2011 at about 8.30 am, he had gone to drop his children Jatin Kumar and Jaspreet Kaur on his motorcycle bearing PB-11-AR-6978 to Tagore Public School, Village Akbarpura, as they missed the school bus on that day. When they reached at Roharjagir bus stand, they stopped there and his son Jatin alighted from motorcycle. Meanwhile, bus bearing registration No.PB-11Q-2116 came from Pahewa side in a rash and negligent manner due to which left side of the bus hit Jatin and he fell down on the ground and became unconscious. Driver of the bus ran away from the spot. Meantime uncle of the complainant, namely, Jagtar Singh also came and saw the accident including other passersby. They arranged a vehicle and took the injured to the hospital where he succumbed to the injuries. On the basis of his statement, the FIR was registered. The offending bus was taken into police possession and mechanical reports of the same were obtained. After completion of investigation, challan was filed before the Court.

The accused was charge sheeted under Sections 279 and 304-A IPC, to which he pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 Ishwar Dass, the complainant; PW-2 Surta Ram; PW-3 Jagtar Singh; PW-4 HC Bakshish Singh; PW-5 HC Jiwan Singh; PW-6 HC Rajinder Kumar; PW7 Zora Singh; PW8 Gurdeep Singh; PW9 HC Manjit Singh; PW10 HC Kuldeep Singh and PW11 Sampuran Singh.

The statement of the accused under Section 313 Cr.P.C., was recorded. He pleaded innocence and alleged false implication. However, they did not lead any evidence in his defence.

After hearing the Addl. Public Prosecutor, the Counsel for the accused, and after going through the evidence, on record, the trial Court convicted and sentenced the accused/petitioner, as stated hereinbefore.

The appeal filed by the petitioner was also dismissed, vide impugned dated 23.08.2016. Feeling aggrieved against the judgments of both the Courts below, the instant revision was filed by the accused/petitioner.

The learned counsel for the petitioner does not press the revision petition on its merits and submits that in view of the fact that the petitioner is the sole bread earner of the family, who has suffered a protracted trial since the year 2011 and never misused the concession of bail during the trial, a lenient view in the matter of sentence be taken by this Court. As per custody certificate, the petitioner has undergone 01 months and 20 days, out of substantive sentence of one year.

On the other hand, the learned State counsel opposes the prayer of petitioner/accused and supported the judgment of conviction and order of sentence passed by the trial Court.

I have heard the arguments of the learned counsel for the

parties and have carefully gone through the record of the case.

The prosecution case is fully proved by the statements of the prosecution witnesses. There is no flaw in the unassailed judgment of conviction. There is no merit in this present revision petition which is dismissed on merits.

The petitioner has suffered the agony of the protracted trial, the petitioner is a senior citizen, the petitioner being the sole bread winner of the family is saddled with the responsibility of children of marriageable age and old parents which in the opinion of this Court are the mitigating circumstances. Accordingly, the prayer made on behalf of the petitioner is accepted. The sentence awarded to the petitioner is ordered to be reduced to the period already undergone. He be released forthwith, if not required in any other case.

Ordered accordingly.

However, the same shall be subject to payment of Rs. 25,000/- to be paid to respondent No.1 towards compensation within three months from the date of receipt of certified copy of the order. It is made clear that if the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice.

24.10.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No