

Crl. Revision No.4539 of 2015 (O&M)
Date of decision: April 21, 2016

...Petitioner

...Respondents

Present: Ms. Sukhpreet Kaur, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Petitioner Ajit Singh had been convicted by the Judicial Magistrate 1st Class, Gurdaspur, under sections 304-A, 279, 427 and 337 IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
304-A IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-.
279 IPC	To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.200/-.
427 IPC	To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.400/-.
337 IPC	To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.100/-.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by Additional Sessions Judge, Gurdaspur, vide judgment dated 18.09.2015.

Feeling aggrieved against the judgments of both the courts

below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that she is limiting her prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. She states that she is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 9.8.2009, complainant Dalip Singh alongwith his brother Chuni Lal, sister-in-law Kishno Devi and two nephews namely, Ramesh Kumar and Suresh Kumar visited Dinanagar for some personal work. After completion of work, he alongwith Ramesh Kumar on scooter No.PB-06-A-8112 and Suresh Kumar, Chuni Lal and Kishno Devi on another motorcycle, driven by Suresh Kumar, were coming back to their village. When they reached near Bahri Hospital, offending truck being driven by Ajit Singh (petitioner herein) rashly and negligently, came from back side and hit motorcycle of his nephew Suresh Kumar. All three persons were badly injured and Suresh Kumar died at the spot. Chuni Lal was got admitted in Civil Hospital, Gurdaspur. However, later on he also died on 13.11.2011 due to

injuries. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 304-A, 337, 338, 427 and 279 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under sections 304-A, 279, 427 and 337 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Gurdaspur on 18.09.2015.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. She has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family. She has stated that she is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Davinder Kumar Sidhu, Superintendent, Central Jail, Gurdaspur, according to which the petitioner has undergone custody of 07 months and 02 days till date.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, the fine imposed by the trial court shall remain intact.

Except with the modification in the quantum of sentence, as indicated hereinabove, the appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

April 21, 2016
'Rajpal'