

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

CRR-3467 of 2016 (O&M)

Date of decision: 19.10.2016

Tarlok Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. AGS Dhillon, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

None for respondent No.2 despite service.

Jitendra Chauhan, J. (Oral)

By filing the present criminal revision, the petitioner has assailed the judgment dated 17.08.2016, vide which, learned Addl. Sessions Judge, Patiala, upheld the judgment dated 15.10.2015, passed by learned Sub Divisional Judicial Magistrate, Samana, whereby, the petitioner was convicted under Section 279, 337, 338 and 304-A of the Indian Penal Code (for short 'IPC'). He was sentenced to undergo RI for a maximum period of 02 years along with fine as mentioned in the impugned judgment of trial Court.

The accused/petitioner was charged sheeted under Sections 279, 337, 338 and 304-A IPC, to which he pleaded not

guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 HC Rajinder Singh; PW-2 ASI Darbara Singh; PW-3 Balbir Singh; PW-4 HC Narinder Singh; PW-5 Dr. Harpreet Singh, PW-6 Dr. Sanjeev Uppal; PW-7 Sampuran Singh; PW-8 Jagrpeet Singh; PW-9 Dr. Jarnail Singh and PW-11, Anmol Singh.

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

After hearing the Addl. Public Prosecutor for the State, 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.

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 submits that he does not wish to argue on merits of the case and submits that some lenient view be taken in the matter of sentence as the petitioner is the only bread winner of his family. The petitioner is ready and willing to compensate the family of the complainant. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court.

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. He states that the petitioner has been convicted in another FIR under similar sections.

I have heard 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. The Court has re-scanned the entire material and evidence on record. There is no flaw in the impugned judgment of conviction. The petitioner has already been convicted under the similar sections, therefore, this Court is not inclined to accept the prayer made on behalf of the petitioner on the quantum of sentence. The learned State counsel contended that apart from this conviction and sentence, the petitioner has been convicted under Section 279, 304-A and 338 of IPC and sentenced to undergo simple imprisonment on 01.05.2013 by JMIC, Rajpura as under:-

Under Section 279 IPC	SI for six months
Under Section 304-A IPC	SI for 1 ½ years with fine of Rs.5000/-, in default of payment of fine to further undergo SI for one month; and
Under Section 338 IPC	RI for one year

All the sentences have been ordered to run concurrently in this case.

Learned counsel for the State draws attention of this Court towards note in the custody certificate, wherein it is mentioned that the sentence in latter's case will start after completion of sentence in case Criminal Appeal No.29/16.11.2015, registered under Sections 279, 337, 338 and 304-A of IPC.

The contention of counsel for the petitioner for concurrent of both sentences is repelled on the ground that both are separate incidents. He is a reckless driver, a habitual law violator, has no respect for human lives while sitting on steering of the vehicle and he is a menace for road users. Such like drivers cannot be dealt with leniently by this Court. The learned counsel has failed to bring forth any mitigating circumstance either to reduce the sentence, to concurrent the sentence or to release him on probation. The contention is repelled.

There is, thus, no illegality in the impugned judgment dated 17.08.2016, passed by Addl. Sessions Judge, Patiala, and judgment dated 15.10.2015, passed by Sub Divisional Judicial Magistrate, Samana, and the same, are, hereby upheld and affirmed. There is no merit in the present revision petition which is hereby dismissed.

19.10.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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