

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR-4640 of 2015
Date of Decision: May 05, 2016.

Amritpal Singh
....Petitioner

Versus
State of Punjab.
.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Ms.Ruchi Sekhri, Advocate
for the petitioner.

Mr.Ankur Jain, AAG, Punjab

Rajan Gupta, J (Oral)

Petitioner had been convicted by Judicial Magistrate Ist Class,
Batala under Sections 337 & 304-A IPC and was sentenced to undergo
imprisonment as under:-

Offence	Sentence
337 IPC	To undergo R.I for six months.
304-A IPC	To undergo R.I for two years and to pay fine of Rs.5000/-.

The petitioner preferred appeal before Additional Sessions
Judge, Gurdaspur against the judgment of his conviction/sentence and the
same was dismissed vide judgment dated 20.10.2015. Feeling aggrieved
against the judgments of both the courts below, petitioner has approached
this court through the instant criminal revision.

Learned counsel for the petitioner submits 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. She further submits that petitioner is ready to compensate the legal heirs of the deceased to the extent of Rs.50,000/- each.

Learned State counsel submits that there are two legal heirs of the deceased i.e mother of deceased-Germanjit Singh and real sister of deceased- Lakha Singh. 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 23.9.2005, when SI-Hardev Singh alongwith other police officials were on patrolling duty near village Kotla Saraf, Police Station Sadar, Batala, Jagir Singh, ex-Sarpanch appeared before SI-Hardev Singh and got recorded his statement to the effect that he alongwith Shamsher Singh were going to Batala from village Kotla Saraf on his motorcycle. An auto rickshaw was going ahead which was driven by Germanjit Singh. Lakha Singh was also sitting in the said auto rickshaw. When auto rickshaw reached in the vicinity of Mubarak petrol pump then Germanjit Singh, driver of the said auto rickshaw turned the same towards petrol pump after signaling by waiving his hand but Marshal jeep which was coming from Batala side in a rash and negligent manner collided with auto rickshaw. Auto rickshaw got broken from the front side and Germanjit Singh and Lakha Singh fell outside auto rickshaw. In the meanwhile, another Tata-407 which was coming from the side of Amritsar got collided with them and dragged to a certain extent. Driver of the jeep received

minor injuries and fled away from the spot. Germanjit Singh and Lakha Singh died on the spot. On the basis of statement of the complainant, FIR was lodged.

Finding prima facie case under Sections 337 & 304-A 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 ten 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 same and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of evidence on record, learned trial court held the petitioner guilty of the charges under Sections 337 & 304-A IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by Additional Sessions Judge, Batala vide orders dated 20.10.2015.

On 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

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 filed custody certificate by way of affidavit of Davinder Kumar Sidhu, Superintendent, Central Jail, Gurdaspur according to which the petitioner has undergone actual custody of 6 months and 14 days as on 4.5.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to eight months. But the petitioner is burdened with a fine of Rs.50,000/- to be paid as compensation to the legal heirs of the deceased. Ordered accordingly. Same has been paid in the court to the legal heirs i.e Kashmir Kaur, mother of deceased-Germanjit Singh and Kulwant Kaur real sister of deceased-Lakha Singh. Affidavits of both the legal heirs have been filed in court. Same are taken on record as mark 'A' and mark 'B'. Both legal heirs have been identified by ASI-Dalbir Singh, investigating officer.

As legal heirs of deceased have been compensated in exercise of powers under Section 357(4), fine imposed by the court below stands waived. Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(Rajan Gupta)
Judge

May 05, 2016.
BB