

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

**CRL. REVISION No.355 OF 2016 (O&M)
DATE OF DECISION : 10th AUGUST, 2016**

Rajbir Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. B. B. S. Randhawa, Advocate for the petitioner.

Ms. Rimpaljit Kaur, AAG, Punjab.

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A. B. CHAUDHARI, J.

Custody certificate filed by the State is taken on record.

The instant criminal revision petition is taken up for final disposal.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner submitted that the petitioner does not want to challenge the findings of conviction but would press for only reduction of sentence. He has undergone sentence of more than 11 months out of the total sentence awarded of 2 years. Learned counsel for the petitioner who is appearing as legal aid counsel, states that pursuant to order dated 26.07.2016 of this Court he has obtained a letter from jail that the petitioner would not have objection for maintaining the findings of conviction provided the sentence undergone by him is held to be sufficient.

Learned State counsel opposed the plea raised by the learned counsel for the revision petitioner.

Having gone through the judgment and order recorded by the courts below, I am satisfied that the finding of conviction recorded against the

petitioner cannot be disturbed since both the courts below have concurrently given finding regarding guilt of the petitioner in the accident. It is true that this was an accident leading to death of a person. But looking to the facts leading to the accident and the manner in which it took place and looking to the fact that the petitioner does not have any criminal antecedents, in my opinion the sentence of 11 months undergone by the petitioner should subserve the interest of justice as against the sentence of two years awarded to him.

In that view of the matter I make the following order:

ORDER

- (i) The revision petition is partly accepted.
- (ii) Conviction of the petitioner under Section 304A is maintained, however, the sentence awarded to him by the courts below is reduced to the period already undergone by him.
- (iii) The petitioner be released from jail forthwith, if not required in any other case.

10th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE