

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

CRR No.4885 of 2015 (O&M)
Date of Decision: May 30, 2016

Major Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Chaudhary, Advocate
for the petitioner.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

Mr.Lalit Rishi, Advocate
for respondents No.2 and 3.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Major Singh against State of Punjab and other respondents, challenging the impugned judgment of conviction and order of sentence dated 23.07.2014 passed by learned Addl. Chief Judicial Magistrate, Pathankot, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹100/- and in default of payment of fine, to undergo rigorous imprisonment for a period of thirty days under Section 279 IPC and to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹200/- and in default of payment of fine, to undergo rigorous imprisonment for a period of thirty days under Section 304-A IPC and also challenging the judgment dated 06.11.2015 passed by learned Addl. Sessions Judge, Pathankot, vide which appeal filed by petitioner was

dismissed but the sentence of the petitioner was reduced to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC and other sentences were kept same. Both the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel as well as learned counsel for respondents No.2 and 3 appeared in the petition.

The brief facts of the case as noted down in the judgment passed by learned ACJM, Pathankot, are as under:-

“The above named accused has been sent up by the SHO, Police Station, Shahpurkandi to face trial in case FIR No.52 of 08.11.2009 under Sections 279, 304-A of IPC, PS, Sadar Pathankot on the allegations that on 08.11.2009 at about 6.20 PM in the area of village Pangoli Chowk, Shahpurkandi, accused while driving bus bearing No.PAB-5107 on a public way in a rash and negligent manner as to endanger human life and personal safety of others, caused death of Devi Sharan. He was arrested and investigation of the case was initiated. Statements of the witnesses were recorded. After completion of necessary formalities of the investigation, challan against the accused was prepared and presented in the Court.”

Learned ACJM, Pathankot, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Pathankot, vide judgment dated 06.11.2015 with the modification in the sentence as stated at above.

Aggrieved from the above-said judgments, present revision

petition has been filed.

Learned counsel for the petitioner argued that petitioner is first offender, poor person, only bread earner of the family and he is suffering from the criminal proceedings since 2009 and he has already undergone actual sentence more than 7 months including remission. Learned counsel for the petitioner further contended that a compromise has been effected between the petitioner and LRs of the deceased.

Learned counsel for respondents No.2 and 3 also admitted the factum of compromise and stated that ₹1,40,000/- as compensation was given to the LRs of the deceased by the petitioner.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case, compromise between the parties and in view of the fact that petitioner is first offender, poor person, only bread earner of the family and is suffering from long protracted criminal proceedings since 2009 i.e. for the last about seven years and has already undergone actual sentence of more than 7 months including remission of 20 days, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of eight months under Section 304-A IPC instead of one year. However, the other sentence, sentence of fine and in default thereof, will remain the same. The sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands dismissed.

May 30, 2016
Vgulati

(INDERJIT SINGH)
JUDGE