

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Revision No.4910 of 2015 (O&M)

.....

Date of decision:25.2.2016

Rakesh Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

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

.....

Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 13.10.2015 passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal filed against the impugned judgment of conviction and order of sentence dated 9.2.2015 passed by learned Sub Divisional Judicial Magistrate, Phillaur, convicting the petitioner for the offences under Sections 304-A and 279 IPC and sentencing him to undergo rigorous imprisonment for one year and to pay fine of ₹2,000/- for the offence under Section 304-A IPC and to undergo rigorous imprisonment for six months for the offence under Section 279 IPC, has been dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not press the revision petition on merit and only prayed for reduction of sentence and notice of motion was issued only qua quantum of sentence. As per the order dated 21.12.2015 passed by this Court the conviction of the petitioner was upheld.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this criminal revision.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab and have gone through the record.

The brief facts of the prosecution case are that the FIR was registered on the statement of complainant-Sarwan Dass, who is the eye witness to the occurrence. He stated that on 15.11.2010 at about 8.30 p.m., he was present on his Rehri, then Harjit Kumar alias Kuki, as a daily routine after finishing his work, came from Ludhiana. When he was crossing the G.T. Road and reached near divider, in the meantime, a truck bearing registration No.PB-10-CD-2263 came from Jalandhar side in a rash and negligent manner and struck against Harjit Kumar, due to which he died on the spot.

At the time of arguments, learned counsel for the petitioner argued that the petitioner is the first offender, a poor person and only bread earner of his family, therefore, a lenient view may be taken and the sentence of imprisonment of the petitioner may be reduced.

Keeping in view the facts and circumstances of the present case that due to rash and negligent driving of truck by the present petitioner, Harjit Kumar alias Kuki has lost his life in the accident, I find that no ground is made out for taking lenient view specially in view of the fact that the present petitioner has only been sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹2,000/- for the offence under Section 304-A IPC and to undergo rigorous imprisonment for six months for the offence under Section 279 IPC and both the sentences are to run concurrently. The sentence passed by the Courts below is correct one and does not require any interference from this Court.

Therefore, finding no merit in the criminal revision petition, the same is dismissed.

February 25, 2016.

(Inderjit Singh)
Judge

hsp