

Criminal Revision No.4937 of 2015 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 245

Criminal Revision No.4937 of 2015 (O & M)

Date of Decision: *October 21, 2016*

RAM PARVESH THAKUR

..... PETITIONER

VERSUS

STATE OF HARYANA

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Ram Parvesh Thakur challenging judgment of conviction and order of sentence dated July 29, 2015, passed by the Judicial Magistrate Ist Class, Gurgaon, in case bearing FIR No.283, dated October 03, 2012, under Sections 279 & 304-A IPC, Police Station Manesar, Gurgaon as well as judgment dated November 27, 2015 passed by learned Additional Sessions Judge, Gurgaon. Vide judgment of conviction and order of sentence dated July 29, 2015, he was convicted and sentenced as under:-

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Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Ram Parvesh Thakur	279 IPC 304-A IPC	2 months 1 year	---- ----	---- ----

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated November 27, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on December 22, 2015, following order was passed by a Co-ordinate Bench of this Court:-

“Challenge in this criminal revision petition is to the judgment dated 27.11.2015 passed by learned Additional Sessions Judge, Gurgaon, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 279 and 304-A, IPC, recorded by learned Judicial Magistrate First Class, Gurgaon, was dismissed.

At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

Notice of motion for 25.02.2016 with regard to quantum of sentence only.”

3. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial

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court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for more than 04 years after registration of the instant case; is a person from poor strata of society, having wife and children to maintain; is a sole bread winner of the family and only source for livelihood for his old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner had already suffered incarceration for a period of 08 months & 27 days (including remission), as is evident from custody certificate dated July 04, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner is hereby directed to be released forthwith.

6. With the above modification in sentence, revision petition stands dismissed.

CRM No. 41616 of 2015

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

October 21, 2016

Ankur

**(Jaspal Singh)
Judge**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No