

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

**CRR No.5001 of 2015 (O&M)
Date of Decision: July 26, 2016**

Ranjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dhawaljeet Dutta, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ranjit Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 25.09.2014 passed by learned Judicial Magistrate Ist Class, Batala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹10,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 304-A IPC and to undergo rigorous imprisonment for a period of six months under Section 279 IPC and also challenging the judgment dated 20.11.2015 passed by learned Addl. Sessions Judge, Gurdaspur, vide which appeal filed by petitioner was dismissed 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 appeared and contested the petition.

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

“In brief, the case of the prosecution as emerges from the final report under Section 173 Cr.P.C. and documents appended therewith is that the present case was registered on the statement of Harjit Kaur wife of Bikramjit Singh, Caste Jat, resident of village Wadala Banker, P.S. Qila Lal Singh, who stated therein that she (complainant) is resident of above said address and she is house hold lady. On 31.05.2010 at about 7.30 PM she along with her husband Bikramjit Singh was going towards Batala on their motor cycle makra Hero Honda Splendor for their domestic work. Her husband was driving the said motor cycle and she was sitting upon him on the said motor cycle. When they reached in front of telephone exchange of village Bhagowal and from the frond side one TATA SUMO white colour bearing registration No.PB-02-R-8589 was coming which was being driven by Ranjit Singh son of Gopal Singh, Caste Mehra, resident of village Hothian. She has already known to him and he has struck his TATA SUMO with their motor cycle without blowing the horn and on the wrong side. Due to struck his vehicle, they fell down on the ground and her husband Bikramjit Singh had received so many injuries on his person and their motor cycle was also damaged. The peoples of village Bhagowal has arranged the vehicle and admitted them into Civil Hospital Batala where her husband namely Bikramjit Singh has expired and she was also admitted for fracture of her elbow joint and arm and thereafter, she admitted at Johal Hospital Batala for the treatment of fracture of elbow joint and arm. She recorded her statement to the police and after admitting its correctness, she signed the same. She demand for taking action against the accused. Her statement was recorded by ASI Pritam Pal, SI/SHO Police Station Qila Lal Singh and he endorsed her statement and he sent a ruqa to the police station through PHG Tarsem Singh No.1928 and on the basis of ruqa, formal FIR was registered against the accused. Thereafter, ASI Pritam Lal along with his police party reached at Civil Hospital

Batala and prepared the inquest report of dead body of Bikramjit Singh and post mortem of dead body of Bikramjit Singh also conducted by the concerned doctor of civil Hospital Batala. Thereafter, ASI Pritam Lal went to the place of occurrence and prepared the rough site plan and Govt. photographer has also taken the photographs of this accident. He also taken into police possession the alleged motor cycle bearing registration No.PB-18-L-9613 and TATA SUMO bearing registration No.PB-02-R-8589 vide different recovery memos. Statement of witnesses were also recorded. After conducting the post mortem of dead body of Bikramjit Singh, he took the dead body into police possession. During investigation, on 5.6.2010, accused Ranjit Singh son of Gopal Singh, Caste Mehra, resident of village Hothian was arrested in this case. On 18.6.2010 ASI Pritam Lal also obtained the test report of the alleged motor cyclce and TATA SUMO from Sucha Singh Mechanic, Punjab Roadways Batala Depot. He also taken into police possession the RC of TATA SUMO vide recovery memo. After the completion of all the necessary formalities of investigation challan against the accused was prepared and presented in the court.”

Learned JMIC, Batala, 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, Gurdaspur, vide judgment dated 20.11.2015.

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 2010 and he has already undergone actual sentence more than 9 months including remission.

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

Keeping in view the facts and circumstances of the present case 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 2010 i.e. for the last about six years and has already undergone actual sentence of more than 9 months including remission of 28 days, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year under Section 304-A IPC instead of two years. 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.

July 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No