

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.5023 of 2015 (O&M)

.....

Date of decision:19.2.2016

Sukhminder Singh

...Petitioner

v.

State of Punjab

...Respondent

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the  
respondent-State.

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**Inderjit Singh, J.**

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 23.11.2015 passed by learned Additional Sessions Judge, Amritsar, whereby the appeal filed against the impugned judgment of conviction and order of sentence dated 10.7.2014 passed by learned Judicial Magistrate Ist Class, Amritsar, convicting the petitioner for the offences under Sections 279, 427 and 304-A IPC and sentencing him to undergo rigorous imprisonment for two years and to pay fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for one week for the offence under Section 304-A IPC; to undergo rigorous imprisonment for six months and to pay a

fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for one week for the offence under Section 279 IPC and to undergo rigorous imprisonment for six months for the offence under Section 427 IPC, has been dismissed.

The brief facts of the case are that on 3.8.2011, one telephonic message was received informing that one road side accident had occurred in Friend's Enclave and some Investigating Officer should be sent immediately for further proceedings. After receiving the message, SI Mangal Singh along with police party reached at the place of accident at Friend's Enclave. Santokh Singh got his statement recorded disclosing that he along with his wife Veero and grandson Satnam Singh had gone to Village Nangali to give invitation of marriage of their younger daughter Geeta to their elder daughter Jasbir Kaur. After giving the invitation, they started back for their village on Rickshaw. At about 9.30 p.m. when they reached near Friend's Enclave, a little ahead of Gumtala Chowk, two motorcyclists came on motorcycle bearing No.PB-02-AG-8870 make Hero Honda Splendor and hit his rickshaw with their motorcycle at its backside. Due to strike, rickshaw turned turtle and his wife Veero fell on the road and her head struck against the road. Due to head injury, she died at the spot. His grandson also received injuries.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of fact regarding conviction recorded by the Courts below. He prayed only for the reduction of sentence. Therefore, notice of motion only qua quantum of sentence was

issued.

Ms. Shivali, learned Assistant Advocate General, Punjab, has put in appearance on behalf of the respondent-State and contested this revision petition.

Today also, the learned counsel for the petitioner prayed for reduction of sentence of the petitioner and argued that the petitioner is a young man and first offender and he is facing the trial for the last more than 4½ years and is a poor person.

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

Keeping in view the facts and circumstances of the present case, the age of the revision petitioner and the fact that he is facing long protracted criminal proceedings for the last more than 4½ years, I reduce the sentence of imprisonment of the petitioner and he is ordered to undergo rigorous imprisonment for one year instead of two years for the offence under Section 304-A IPC. The remaining sentences of imprisonment under other sections; sentence of fine and sentence in default of payment of fine shall remain the same.

With the above modification in sentence of imprisonment, the criminal revision petition is disposed of.

February 19, 2016.

**(Inderjit Singh)**  
**Judge**

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