

CRR-3890-2016(O&M)

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

CRR-3890-2016 (O&M)

Date of Decision: 20.12.2016

SUSHIL KUMAR

.....Petitioner

versus

U T CHANDIGARH

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Gursharan Singh, Advocate for the petitioner.

Mr. Rajeev Sharma, Advocate, Standing Counsel
for the respondent-UT Chandigarh.

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent conviction of the petitioner for the commission of offences under Sections 279 and 304-A IPC in FIR No. 54 dated 24.03.2010 registered at Police Station Industrial Area, Chandigarh.

The sentence awarded to the petitioner is as under:-

Sentence under Section	Imprisonment awarded	Fine	In default of payment of fine
279 IPC	R.I. For 06 months	Rs. 1000/-	One month
304-A IPC	R.I. For two years.	Rs. 1500/-	One month

Brief facts of the case are that on the intervening night

of 23.03.2010-24.03.2010 at about 01:00 am when constable Manjit Singh and Home Guard Vol. Vikramjeet were on patrolling duty they saw one truck being driven in rash and negligent manner hit a motorcycle and both the persons on the motorcycle fell down. The driver-petitioner came out of the truck and on seeing accident, ran away and FIR was registered on the statement of Constable Manjit Singh.

Custody certificate by way of affidavit of Amandeep Singh, C.P.S. Deputy Superintendent, Model Jail, Chandigarh on behalf of State has been filed and the same is taken on record. Copy supplied to the counsel opposite. As per the custody certificate the petitioner has undergone actual sentence of 04 months and 27 days out of the total sentence of 02 years and no other case is pending against him.

Counsel for the petitioner at the very outset states that he does not press this petition on merits but prays that a lenient view may be taken in respect of the sentence awarded to the petitioner, since he has been facing the agony of these proceedings since 2010. He has placed reliance upon the decision of the Hon'ble Supreme Court in “**State of Punjab v. Saurabh Bakshi, 2015 RCR (Crl) 495**” to contend that therein also one person had died and sentence had been reduced to six months.

In Saurabh Bakshi's case (supra) there was one death and

the sentence was reduced to 6 months but in the present case, there are two deaths. Since in this case there are 2 deaths, in my opinion it would be appropriate if the sentence is reduced to 1 year.

Learned counsel for UT Chandigarh is not in a position to justify this sentence.

Consequently even while maintaining the conviction, I reduce the sentence of the petitioner to one year.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

20.12.2016
anuradha

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No