

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

**Criminal Revision No.910 of 2015 (O&M)
Date of Decision: 08.02.2016**

Kashmir Singh

...Appellant(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. Amaninder Preet, Advocate for
Mr. Deepak Nayar, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Criminal Misc. No.8326 of 2015:

For the reasons given in the application, delay of 113
days in filing this revision petition is condoned.

The application is disposed of.

Criminal Revision No.910 of 2015:

Through the instant revision petition, the petitioner
has challenged the judgment 21.8.2014 passed by learned

Additional Sessions Judge, Tarn Taran, whereby appeal against the judgment of conviction and sentence dated 13.12.2013 passed by Judicial Magistrate Ist Class, Tarn Taran has been dismissed.

Learned trial Court has convicted the petitioner for offence under Sections 304-A and 427 IPC and sentenced him as under:-

Under Section	Imprisonment
304-A IPC	Rigorous imprisonment for two years along with fine Rs.10000/- and in default for payment of fine, to further rigorous imprisonment for 15 days.
427 IPC	Rigorous imprisonment for six months along with fine Rs.5000/- and in default for payment of fine, to further rigorous imprisonment for 15 days.

However, both the sentences have been ordered to run concurrently.

Learned counsel for the petitioner contends that as against the awarded maximum sentence of two years, in the present case, the petitioner has completed 1 year, 7 months and 7 days of actual sentence and with remissions, it is 1 year, 10 months and 22 days. He further submits that in another case-FIR no.227/2013 under Sections 279/337/338 IPC, P.S. Sadar Zira, the petitioner is on bail and trial is going on.

Learned State counsel does not disputes the aforesaid facts.

Heard.

Taking into consideration the fact that as against the awarded maximum sentence of two years, the petitioner is in custody for substantial period of the sentence i.e. 1 year, 10 months and 22 days (including remissions) and in another case, he has not been convicted, as the matter is under trial, the present petition is disposed of, with modification in the order of sentence dated 13.12.2013 passed by learned Judicial Magistrate Ist Class, Tarn Taran, to the extent that the sentence awarded to the petitioner is reduced to the period already undergone by him. However, the petitioner shall deposit the amount of fine before the trial Court in case the same has not been deposited and in case he fails to deposit the same, he shall be liable to undergo the sentence as awarded by the trial Court.

February 08, 2016
AK

(HARI PAL VERMA)
JUDGE