

CRR-448-2016 (O & M)

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

CRR-448-2016 (O & M)
Date of Decision: 23.09.2016

Paramjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.S.Aulakh, Advocate,
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

INDERJIT SINGH, J.

CRM-3821-2016

Heard.

For the reasons mentioned in the application, the same is
allowed. Delay of 136 days in filing the revision is condoned.

CRM-10373-2016

Learned counsel for the applicant-petitioner does not press the
instant application.

Dismissed being not pressed.

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The present revision has been filed by petitioner-Paramjit
Singh against respondent-State of Punjab under Section 401 Cr.P.C.
challenging the impugned judgment of conviction and order of sentence
dated 27.05.2014 passed by learned Judicial Magistrate Ist Class, Rajpura,

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vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of 06 months under Section 279 IPC and further to undergo simple imprisonment for 02 years and to pay a fine of ₹1,000/-, in default of payment of fine, to further undergo simple imprisonment for 01 month under Section 304-A IPC and also challenging the judgment dated 06.06.2015 passed by learned Sessions Judge, Patiala, vide which appeal filed by the petitioner was dismissed.

It is mainly stated in the revision petition that the impugned judgments of conviction and order of sentence passed by the courts below convicting the petition under Sections 279 and 304-A IPC suffers from material irregularities and are illegal.

The brief facts of the case, as noted down in the judgment passed by learned Judicial Magistrate Rajpura, are as under:

“2. Brief facts of the prosecution story are that on 28.6.2009 one medical ruqa was received in police station from A.P.Jain Hospital, Rajpura that Pirthi Gir and Kashmir Gir have expired in a road side accident and Polling Gir is admitted in hospital. Thereupon, SI Gulzar Singh along with other police officials reached A.P.Jain Hospital, Rajpura and recorded the statement of Polling Gir after obtaining fitness certificate from the doctor concerned. Injured Polling Gir son of Joginder Gir, r/o Nalas Kalan Tehsil Rajpura stated that on 27.06.2009, at about 9.00 a.m., he along with Pirthi Gir son of Bachna Gir and Kashmir Gir son of Roop Gir residents of village Nalas Kalan went to village Boda, Tehsil Pehova (Haryana) in car No.CH-01F-5874, to meet his maternal uncle namely Surat Puri. He was

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driving the car. After meeting this maternal uncle, they were coming back to Rajpura and they reached at Liberty Chowk, Rajpura town and took a turn towards Railway Crossing side. It was about 10.00 p.m., and a tractor trolley loaded with cement and concrete bags was going ahead to his car, when he was crossing the said tractor-trolley the driver of said tractor-trolley suddenly took a turn towards right hand side, due to which said tractor-trolley collided with his car and his car entangled in the tractor-trolley and all the occupants of car suffered grievous injuries. Pirthi Gir and Kashmir Gir died at the spot due to grievous injuries. He asked the name of tractor-trolley driver, who disclosed his name to be Paramjit Singh son of Joginder Singh r/o village Burga, P.S.Dhuri, Distt. Sangrur and further disclosed the number of tractor-trolley as PB-23C-2465. This accident took place due to rash and negligent driving of driver of tractor-trolley. Upon such statement police proceedings were made and the present FIR was registered. Thereafter, Investigating Officer prepared the inquest reports and got conducted the post mortem on the dead bodies of Pirthi Gir and Kashmir Gir and dead bodies were handed over to the legal heirs of deceased. Thereafter, investigating officer, visited the spot and prepared the site plan. Photographs were got clicked. Accidental vehicles along with their documents were taken into police possession. Statements of witnesses were recorded. Accused Paramjit Singh was arrested and his personal search memo and arrest memo were prepared and released on bail. Medical record was obtained. After completion the investigating formalities, report u/S 173 Cr.P.C. was prepared and challan was

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presented in the court against the accused.”

Learned Judicial Magistrate Ist Class, Rajpura, 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 Sessions Judge, Patiala, vide impugned judgment dated 06.06.2015.

Aggrieved from the above said judgments, the present revision petition has been filed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the courts below regarding conviction and he contended only on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the revision.

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

From the record, I find that the petitioner has been sentenced to undergo simple imprisonment for a maximum period of 02 years under Section 304-A IPC. As per the custody certificate, filed by learned State counsel, the petitioner has already undergone the imprisonment of 01 year, 11 months and 19 days as actual sentence till date including remissions of 03 months out of simple imprisonment of 02 years. The present petitioner has almost completed his sentence.

Keeping in view the facts and circumstances of the present case and in view of the facts that the petitioner has almost completed his

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sentence and that he has been facing the agony of trial for the last 07 years, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him, subject to payment of fine, as imposed by the courts below, if already not paid. Petitioner, Paramjit Singh, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case.

Accordingly, present criminal revision stands partly allowed.

23.09.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No