

CRR No. 615 of 2016

::1::

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

CRR No. 615 of 2016

Date of decision : September 21, 2016

Daljit Singh

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. AS Syan, Advocate
for the petitioner.

Mr. KS Pannu, DAG Punjab

Ajay Tewari, J (Oral)

This revision petition has been filed by the petitioner against his concurrent conviction under Sections 279/337/304-A of the IPC.

The instant case was registered on the basis of the statement of the complainant that on 26.11.2010 at about 4.30 pm he was standing outside his shop situated at Sherpur Khurd and his mother Nachhattar Kaur and one Karnail Kaur were sitting on a bench at kacha road near his shop. At that time, the offending crane being driven by the petitioner

negligently and rashly came from Northern side and struck into the mother of the complainant and Karnail Kaur. Both of them received multiple injuries and the mother of the complainant died at the spot.

After conclusion of the trial, the petitioner was convicted under under Sections 279/337/304-A of the IPC by the trial Court and sentenced to undergo RI for six months and to pay a fine of ₹ 1000/- under Section 279 of the IPC, in default of payment of fine to undergo further RI for 30 days; to undergo RI for six months and to pay a fine of ₹ 500/- under Section 337 of the IPC, in default of payment of fine to undergo further RI for 30 days; and to undergo RI for one year and six months and to pay a fine of ₹ 1000/- under Section 304-A of the IPC, in default of payment of fine to undergo further RI for 30 days. The petitioner filed an appeal and the same having been dismissed, he is before this Court.

Custody certificate of the petitioner by way of affidavit of Surinder Pal Khanna, Superintendent Central Jail Prison, Ludhiana has been placed on record. As per the same, the petitioner has undergone 11 months of actual sentence.

At the very outset, counsel for the petitioner has stated that he does not press this petition on merit but prays that a lenient view may

be taken in respect of the sentence awarded to the petitioner, since he has been suffering the agony of these proceedings for the last almost six years. As per the custody certificate, no other case is pending or decided against the petitioner.

Counsel for the respondent has sought to argue that the findings arrived at by the Courts below convicting the petitioner are justified. He has relied upon State of Punjab v. Saurabh Bakshi, 2015(2) RCR (Criminal) 495 to contend that the Hon'ble Supreme Court has categorically laid down that these offences are serious in nature and, therefore, such lenience cannot be shown.

Keeping in view the entire facts and circumstances of the case, I deem it appropriate to accept the limited prayer of counsel for the petitioner. Consequently, even while maintaining the conviction of the petitioner and dismissing this petition, the sentence of the petitioner is reduced to the period which he has already undergone.

September 21, 2016
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No