

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.781 of 2016 (O&M)
Date of Decision: May 13, 2016

Jarnail Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mrs.Anupam Bhanot, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jarnail Singh against respondent State of Punjab under Section 401 Cr.P.C. challenging the impugned judgment of conviction and order of sentence dated 15.07.2015 passed by learned Addl. Chief Judicial Magistrate, Tarn Taran, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under each Section 279 and 427 IPC and to undergo rigorous imprisonment for a period of six months under Section 338 IPC and further to undergo rigorous imprisonment for a period of two years and to pay a fine of

₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 304-A IPC and also challenging the judgment dated 06.02.2016 passed by learned Addl. Sessions Judge, Tarn Taran, vide which appeal filed by petitioner was partly allowed and conviction of the petitioner under Sections 338 and 427 IPC was set aside, however, the conviction and sentence under Section 304-A and 279 IPC was upheld.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended 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 petition.

From the record, I find that challan was presented against the petitioner in case FIR No.200 dated 06.12.2007 under Sections 304-A, 279, 337, 338 and 427 IPC. The brief facts of the case as noted down in the judgment passed by learned ACJM, Tarn Taran, are as under:-

“Brief facts of the case in hand are that criminal law was set into motion against accused on the statement of the complainant- Hardev Singh son of Joginder Singh recorded before the police, which is Ex.PW3/A on the file to the effect that he is resident of Sanghe and is doing agriculture work. He is having two sons and one daughter. Elder son is Subeg Singh and younger son is Sikandar Singh, who is aged about 18/19 years. On 6.12.2007 at about 11 ¼ in the day time, he and Manjinder Singh son of Gian Singh on one motorcycle, whereas, his son Sikandar Singh and his friend Resham Singh son of Tarsem Singh on another motorcycle bearing no.PB-02-AB-7646 make

Suzuki, red colour, were going to Tarn Taran for their domestic work. His son Sikandar Singh was driving the motorcycle, whereas Resham Singh was pillion rider. They were following the motorcycle of his son. When they just reached 4/5 Kille ahead of their village towards Tarn Taran side then from Tarn Taran side, one Tanker bearing No. MH-43-E-2306 being driven by an unknown person in a rash and negligent manner, without blowing horn came and hit it against the motorcycle of his son Sikandar Singh, upon which Sikandar Singh and Resham Singh received grievous injuries. Motorcycle was also damaged in the said accident. They immediately reached near the ill fated motorcycle and picked up Sikandar Singh and Resham Singh. Thereafter, after arranging for a vehicle they were shifted to Civil Hospital, Tarn Taran. Resham Singh was taken to Amritsar hospital for his medical treatment and while he was completing the process of admitting his son in the hospital, his son has expired. Now he after leaving Manjinder Singh near the deadbody of his son Sikandar Singh, was going to police station to inform the police and on the way the police had met him and he got recorded his statement. That action be initiated.”

Learned ACJM, Tarn Taran, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was partly allowed by learned Addl. Sessions Judge, Tarn Taran, vide judgment dated 06.02.2016 as stated above.

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

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

Learned counsel for the petitioner contended that petitioner is a poor person, only bread earner of the family and whole of the family is dependent on him. He further argued that the petitioner is suffering from the criminal proceedings for the last more

than eight years.

Keeping in view the facts and circumstances of the present case and the fact that petitioner is first offender, poor person and only bread earner of the family and in view of the fact the petitioner is suffering from long protracted criminal proceedings since 2007, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC, subject to depositing of compensation of ₹1 lac within a period of one month before the trial Court, payable to the LRs of the deceased. If the compensation is not deposited within stipulated time, then the revision petition will be treated as dismissed. However, the other sentence, sentence of fine and default thereof, shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

May 13, 2016
Vgulati

(INDERJIT SINGH)
JUDGE