

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.798 of 2016 (O&M)
Date of Decision: May 16, 2016

Swaran Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Swaran Singh against respondent State of Punjab under Section 401 Cr.P.C. challenging the impugned judgment of conviction and order of sentence dated 12.02.2015 passed by learned Judicial Magistrate Ist Class, Pathankot, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months under Section 279 IPC and to undergo rigorous imprisonment for a period of one year and to pay 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 06.10.2015 passed by learned Addl. Sessions Judge,

Pathankot, vide which appeal filed by petitioner was dismissed.

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.88 dated 22.08.2012 under Sections 279 and 304-A IPC. The brief facts of the case as noted down in the judgment passed by learned JMIC, Pathankot, are as under:-

“The brief contents of his statement are that his father Blabir Singh is private security guard at Mahajan Saria Store, Sanra. Today i.e. 22.08.2012 his father as usual was going to his duty at Sarna. He alongwith member panchayat Jathedar Mohan Singh in relation to domestic work were going towards police station Sadar, Pathankot. His father was going ahead of them. When they reached about 200 yards ahead of Nalwa bridge then at about 6.30 P.M. a gas tanker came at very high speed from Dhaki Chowk without blowing any horn and being driven by its driver in a negligent manner. The said gas tanker crossed them. It struck into the bicycle of his father from backside. Resultantly, his father fell on the road. The front tyre of gas tanker crossed over his father. The driver of the gas tanker stopped the same at some distance and ran away from the spot. When they reached at the spot, his father had already died. Later on he came to know registration number of gas tanker as PB-08-AY-9491. Lastly, he prayed for necessary action. During the investigation statement of the witnesses were recorded and after completion of investigation and other necessary formalities the challan was presented before the court.”

Learned JMIC, Pathankot, 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 Addl. Sessions Judge, Pathankot, vide judgment dated 06.10.2015.

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

At the time of arguments, learned counsel for the petitioner contended that petitioner is a poor person, only bread earner of the family and the petitioner is suffering from the criminal proceedings since 2010.

On the other hand, learned State counsel argued that the sentence of the petitioner is not liable to be reduced as he has also been convicted in another case under Section 304-A IPC.

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

Keeping in view the facts and circumstances of the present case and the fact that petitioner is also accused in another accident case and he has been convicted under Section 304-A IPC in that case and after that conviction, he has again caused the death by rash and negligent driving, therefore, no ground is made out for reducing the sentence in the present case.

Therefore, finding no ground to reduce the sentence, the present revision petition stands dismissed.

As regarding the CRM No.6659 of 2016 filed under Section 497 Cr.P.C. read with Section 482 Cr.P.C. for ordering the sentences to run concurrently in the above-mentioned cases, is

allowed. The sentence awarded in the present case is hereby ordered to run concurrently with the sentence awarded in case FIR No.10 dated 10.01.2011 under Sections 279, 337, 338 and 304-A IPC registered at Police Station Tanda.

May 16, 2016
Vgulati

(INDERJIT SINGH)
JUDGE