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

CRR No.994 of 2016 (O&M)

Date of decision: August 31, 2016

Baldev Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. K.S. Sidhu, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Rule heard forthwith.

Heard learned counsel for the rival parties.

The petitioner was convicted for offences under Sections 304-A, 279 of Indian Penal Code, 1860 (for short 'IPC') by the trial Court vide judgment/order dated 29.01.2015 and sentenced to undergo rigorous imprisonment for 1 year along with fine. The Appellate Court vide judgment/order dated 04.02.2016 upheld the said conviction and sentence of the petitioner.

On 02.06.2016, this Court had made the following order:-

“Custody certificate has been filed in court.

Same is taken on record. Learned counsel for the petitioner submits that petitioner has been sentenced to one year rigorous imprisonment for offence under section 304-A IPC.

He has been incarcerated for about 3½ months. During this period, wife of the petitioner has also expired. He submits that he would confine his prayer only to reduction in quantum of sentence.

To come up on 28.07.2016.”

It is not in dispute that in the above said order, the period of three and half months imprisonment out of 1 year was recorded on the basis of custody certificate that was issued on 31.05.2016. Admittedly, the petitioner is in jail. The petitioner has, by now, completed 6 and half months imprisonment in jail out of the sentence of one year awarded to him. Learned counsel for the petitioner state that the fine has already been paid. Learned counsel further submitted that the petitioner is not contesting the conviction recorded against him. Statement is accepted.

I have seen the reasons and the discussion on evidence recorded by the learned trial Judge in Para-15. It is true that a person had died because of the accident. The petitioner was driving a milk canter.

Next question is about the quantum of sentence as recorded in the earlier order made by this Court. In the light of the discussion made in Paras 15 and 16 by the learned trial Judge, I think the sentence awarded to the petitioner deserves to be reduced to the one already undergone by him, namely, about 6 and half months.

In that view of the matter, following order is passed:-

ORDER

- (i) CRR No.994 of 2016 is partly allowed.
- (ii) The conviction of the petitioner for offence under

Sections 304-A, 279, is maintained.

(iii) However, the impugned judgment/order awarding sentence of one year is modified and the sentence is reduced to the one which he has already undergone. The petitioner shall pay fine, if not paid already. Petitioner, who is in custody be set at liberty forthwith, if not required in any other case.

(A.B. CHAUDHARI)
JUDGE

August 31, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No