

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

**CRR No.2933 of 2009 (O&M)
Date of Decision: April 25, 2017**

Satbir

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Saurabh Khurana, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Satbir against respondent State of Haryana, challenging the impugned judgment of conviction dated 25.08.2008 and order of sentence dated 28.08.2008 passed by learned Addl. Chief Judicial Magistrate, Panipat, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month under Section 279 IPC and to further undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of two months

under Section 338 IPC and also challenging the judgment dated 01.10.2009

passed by learned Addl. Sessions Judge, Panpat, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against petitioner in case FIR No.244 dated 01.09.2001. The brief facts of the case as noted down in the judgment passed by learned ACJM, Panipat, are as under:-

“In the present case the accused above named was sent up to face trial by the Station House Officer, Police Station, Samalkha for the commission of offence punishable under Sections 279/338/427 of the Indian Penal Code, on the allegation that on 01-09-2001 Head Constable Rajender Singh alongwith other police officials was present at Bus Stand Karhans, where complainant Dilprit Singh met him and got recorded his statement to the effect that on 31.08.2001 he alongwith his friend Amardip his Aunt Sarabjit Kaur, his cousin sister Swarprit and his grand mother Jagir Kaur were coming from Delhi to Chandigarh in Icon Ford car No.CH-03-9532. They left Delhi at 7.00 P.M. and whey they reached near Machhrole Bus Stand, meanwhile one tractor trolley was driving ahead of them in a fast speed and the driver made a sudden right turn in a wrong manner and the tractor came upon the divider and the trolley hit their car. As a result of this arm of Sarabjit Kaur got severed and the car was damaged. The driver of the tractor ran away from the spot. But later on he was apprehended by the officials of the High Way Police and he was brought back at the spot and he disclosed his name as Satbir Singh. They got admitted their Aunt in Sardana Hospital, Panipat. Action be taken. On this statement, a preliminary report was sent to the Police Station for registration of the case and First Information Report was registered. During investigations, the site plan was prepared. Statements of the witnesses were recorded. The MLR of the injured was obtained. Accused was arrested and after completion of investigation, challan was filed in the court of trial.”

Learned ACJM, Panipat, 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, Panipat, vide judgment dated 01.10.2009.

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

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings given by learned Courts below, regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is poor person, first offender and only bread earner of the family. He further contended that petitioner is suffering from the criminal proceedings since 2001.

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

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 25.08.2008 passed by learned ACJM, Panipat, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be poor person, first offender, only bread earner of the family and is facing long protracted criminal proceedings since 2001 i.e. for the last about 16 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of six months under Section 338 IPC. However, other sentence, sentence of fine and in default thereof shall remain the same.

revision petition stands dismissed.

As petitioner Satbir is on bail, his bail bonds stand cancelled and he is directed to surrender himself before the jail authorities immediately for completing remainder of sentence, failing which the concerned authority shall proceed against him in accordance with law.

April 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No