

In the High Court of Punjab and Haryana at Chandigarh

CRR No.3072 of 2010

Date of Decision:- September 15, 2017

Jagtar Singh**....Petitioner**

Versus

State of Punjab**....Respondent**

CORAM: Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Manuj Nagrath, Advocate.
for the petitioner.

Ms. Ruchika Sabharwal, Assistant Advocate General, Punjab.

Gurvinder Singh Gill, J.

1. Jagtar Singh has filed this revision petition challenging judgment dated 8.11.2010 passed by learned Additional Sessions Judge, SAS Nagar, Mohali whereby his appeal challenging judgement dated 4.6.2010, passed by Sub Divisional Judicial Magistrate, Kharar, convicting him for offences u/s 279, 337 and 338 of Indian Penal Code, 1860 (for short, 'IPC'), and imposing sentences, the maximum being rigorous imprisonment for 6 months apart from fine of Rs.500/-, has been dismissed.
2. The prosecution story, in nutshell, is that on 24.6.2007, when Harvinder Singh and Satpal Singh were going on motorcycle which was being driven by Harvinder Singh while Satpal Singh was sitting on the pillion seat, carrying a

block of ice on his thighs, a truck bearing registration No.PB-12-C-1202 came from the rear side which was being driven by petitioner Jagtar Singh, rashly and negligently and which struck against the motorcycle from behind as a result of which both Harvinder Singh and Satpal Singh fell down. Both the injured were taken to hospital. The hospital authorities sent intimation to the police regarding admission of the injured and pursuant to receipt of said information, PW-3 HC Babu Ram reached Civil Hospital, Kharar and recorded statement of Satpal Singh on the basis of which FIR was lodged for offences punishable under sections 279, 337, 338 and 427 of IPC.

3. The matter was investigated by the police, during the course of which the police visited the place of occurrence and prepared a rough site plan. The motorcycle as well as the truck in question were got mechanically examined. The accused was arrested on the same day itself. After conclusion of investigation, challan was presented against the accused in the Court of SDJM on 16.7.2007 who framed charges against the accused for offences under Sections 279, 337 and 338 of IPC to which the accused pleaded not guilty and claimed trial.
4. The prosecution in order to establish the charges framed against accused examined PW-1 Satpal Singh, PW-2 Harvinder Singh, PW-3 HC Babu Ram, PW-4 Dr. C.P.Singh, PW-5 Satish Kumar, Photographer and PW-6 Hardev Singh, Mechanic. Upon conclusion of the prosecution evidence, statement of accused was recorded in terms of Section 313 Cr.P.C., wherein he pleaded false implication and pleaded innocence.
5. The learned trial court upon appraisal of the evidence on record held the

accused guilty for having committed offences punishable under Sections 279, 337 and 338 of IPC vide judgement dated 4.6.2010. The appeal filed by accused in the Court of learned Additional Sessions Judge, SAS Nagar, Mohali was also dismissed on 8.11.2010. Aggrieved with the dismissal of his appeal, the petitioner has filed the present revision petition.

6. Today, when the matter was taken up for arguments, the learned counsel for the petitioner, at the very outset submitted that in view of concurrent findings recorded by the Trial Court and the Appellate Court regarding his conviction, he confines his arguments to the quantum of sentence only. The learned counsel submitted that since the petitioner was a young man at the time of commission of offence and a first offender, therefore, the benefit of probation may be extended to him.
7. Though, the learned counsel for the petitioner has confined his arguments to quantum of sentence only, but this Court deems appropriate to briefly examine the propriety of conviction recorded by the Trial Court and as affirmed by the Appellate Court. PW-1 Satpal, complainant, while in the witness box, stated in tune with his statement made to the police on the basis of which FIR was lodged. He has specifically stated that on the day of occurrence when he along with Harvinder Singh was going on a motorcycle, then a truck bearing registration No.PB-12C-1202 came from the rear side driven by petitioner Jagtar Singh, rashly and negligently and which struck against the motorcycle from behind and as a result of which he and Harvinder Singh fell down and sustained injuries. PW-2 Harvinder Singh has also stated identically in corroboration to the statement made by the PW-1 Satpal complainant. Both the

witnesses were cross-examined at length on behalf of the accused but nothing substantial could be elicited during their cross-examination so as to doubt the veracity of their statements.

8. PW-3 HC Babu Ram, who is the Investigating Officer in the present case stated in detail as regards the entire proceedings conducted in the matter right from recording of initial statement of the complainant upto filing of challan. PW-4 Dr. C.P.Singh who had medico legally examined Satpal Singh on 24.6.2007 in Civil Hospital, Kharar proved the MLR as Ex.PW-4/A and described the injury found on the person Satpal Singh as follows:

“1. Movements of right thigh painful and restricted, multiple abrasions ransing from 3 cm to 5 cm on right knee. Advised x-ray right thigh and Ortho Surgeon opinion.”

9. PW-4 Dr. C.P.Singh further opined that upon going through the X-Ray report showing fracture on the right leg of Satpal Singh, the aforesaid injury was declared as 'grevious' in nature. PW-5 Satish Kumar, Photographer proved the photographs taken at the spot. PW-6 Hardev Singh, Mechanic proved the mechanical examination report in respect of the motorcycle as well as the truck in question. Despite their cross-examination, the witnesses remained firm on their stand and no dent could be made in their statements. A perusal of the impugned judgment shows that the evidence has been weighed in the correct perspective and there is no misreading of evidence. As such, I do not find any infirmity in the impugned judgment as regards the conviction of the petitioner.

10. Coming to the quantum of sentence, the learned State counsel has today filed Custody Certificate indicating that the petitioner has already undergone 1 month and 15 days of actual sentence. He is not stated to be a previous convict and is not facing any other trial in respect of any other offence. The occurrence in the present case had taken place about 10 years back.
11. In view the aforesaid facts, and the fact that the petitioner has already faced incarceration of trial for more than 10 years, in my opinion a case is made out for reduction of sentence, especially when he is not stated to be a previous convict. Accordingly, the substantive sentence of imprisonment as imposed upon the petitioner by the Trial Court for all the offences is reduced to the one already undergone. The petitioner is however, directed to pay compensation to the injured-complainant in a sum of Rs.20,000/-. The trial Court shall ensure that the petitioner deposits the said amount and the deposited amount is disbursed to the victim/complainant.
12. The petition stands dismissed with the aforesaid modification in sentence.

(Gurvinder Singh Gill)
Judge

September 15, 2017

mohan

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No