

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

IOIN-CRR-208-2012 in/ and
CRR-208-2012 (O&M)
Date of decision: 06.07.2017

Gurtej Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: None for the petitioner
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

IOIN-CRR-208-2012

Registry has put up this file. In view of the matter, the revision petition is taken on board for hearing today itself.

CRR-208-2012 (O&M)

Learned counsel for the petitioner was notified. Today learned counsel for the petitioner has not come present to address arguments. Therefore, this Court proceed to decide the revision after examining the file.

The present revision petition is directed against the judgment 10.8.2011, passed by learned Additional Sessions Judge, Patiala, affirming the judgment of conviction dated 3.3.2009 and order of sentence dated 6.3.2009, passed by learned Sub Divisional Judicial Magistrate, Samana vide which, the present petitioner was convicted for commission of offences punishable under Sections 279, 337 and 304-A IPC and sentenced as

under:-

<i>Under Section</i>	<i>Sentence awarded to the convict</i>	<i>Fine imposed upon the convict</i>	<i>RI in default of payment of fine</i>
279 IPC	RI for 3 months	Rs.300/-	15 days
304A IPC	RI for 1 ½ years	Rs.500/-	1 month
337 IPC	RI for 3 months	Rs.200/-	15 days

Custody certificate dated 26.3.2012 filed in Court is taken on record.

The perusal of file shows that the allegations against the accused are that he drove truck bearing registration no.HR 45 2217 rashly and negligently and hit the motorcycle being driven by the complainant. As a result of which pillion rider Vikas died. Police party reached the spot. The perusal of the judgment of both the Courts below shows that all the contentions raised by learned counsel for the accused were considered. The accused was duly identified. Rash and negligent driving is proved.

There is no ground to interfere in the concurrent findings recorded by both the Courts below. Hence, the findings are affirmed. However, I am of the view that there is some scope for reduction in sentence under Section 304-A IPC. Therefore, sentence of Rigorous Imprisonment for 1 ½ years under Section 304-A IPC is reduced to one year while fine is maintained. Sentence under Section 279 and 337 IPC is also maintained. He be re-arrested to undergo the remaining part of sentence.

With the above noted modification, the revision petition is dismissed.

06.07.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned: Yes
Whether Reportable: No