

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

CRR-1059-2016 (O&M)

Date of decision: 23.08.2017

HARPREET SINGH

..... Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Salar, Advocate,
 for the petitioner.

 Mr. Arpinder Singh Sidhu, DAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH J. (ORAL)

The present revision petition has been filed against the judgment dated 29.02.2016, passed by the learned Sessions Judge, Sangrur, whereby the judgment of conviction and order of sentence dated 21.12.2012 passed by the trial Court was modified to the extent that rigorous imprisonment for 1 year imposed under Section 304-A of Indian Penal Code was reduced to rigorous imprisonment for 8 months. The remaining part of the sentence was maintained. Learned Judicial Magistrate Ist Class, Malerkotla vide judgement of conviction and order of sentence dated 21.12.2012 has convicted and sentenced the petitioner as under:-

Under Section 279 IPC:

Rigorous Imprisonment for 6 months and to pay a fine of ₹500/-, in default thereof to further undergo simple imprisonment for 2 days.

Under Section 304-A IPC:

Rigorous Imprisonment for 1 year and to pay a fine of ₹1,000/-, in default thereof to further undergo simple imprisonment for 4 days.

However, both the sentences were directed to run concurrently.

Heard.

From the judgment of the appellate Court, it comes out that before the appellate Court the conviction was not challenged. The only prayer which

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was made by the learned counsel for the accused-petitioner before the appellate Court was for showing leniency in the sentence awarded to the accused-petitioner on account of the fact that the accused-petitioner has effected a compromise with the legal heirs of the deceased. Considering the said effect, the sentence of rigorous imprisonment of 1 year under Section 304-A IPC was reduced to the rigorous imprisonment of 8 months under Section 304-A IPC. In the circumstances, the accused-petitioner is precluded from arguing on merits of the case as the conviction was not challenged before the first appellate Court.

The learned counsel for the petitioner has pressed the present revision petition for showing more leniency in the sentence awarded to the accused-petitioner stating that the accused-petitioner is the only bread-winner of his family and that parties have compromised.

I am of the view that after considering the compromise between the parties, learned Sessions Judge, Sangrur has reduced the sentence of the petitioner from rigorous imprisonment of 1 year to the rigorous imprisonment of 8 months under Section 304-A IPC. Therefore, considering the fact that due to the motor vehicular accidents, large number of deaths are taking place, no further leniency is possible in the present revision

In view of the above, the present revision petition is dismissed.

Let the petitioner-Harpreet Singh be re-arrested and committed to Jail to undergo the remaining part of the sentence.

August 23, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
Whether speaking / reasoned :	Yes	/	No
			✓
Whether Reportable :	Yes	/	No