

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

**CRR No.2147 of 2016 (O&M)
Date of Decision: January 27, 2017**

Rajender Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gopal Sharma, Advocate
for the petitioner.

Mr.P.K.Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Rajender Singh against respondent State of Haryana, challenging the impugned judgment of conviction dated 21.11.2014 and order of sentence dated 26.11.2014 passed by learned Sub Divisional Judicial Magistrate, Kalka, vide which the petitioner was convicted and sentenced to imprisonment for a period of three months and to pay fine of ₹1000/- and in default of payment, to undergo simple imprisonment for a period of twenty days under Section 279 IPC and further to undergo imprisonment for a period of two years and to pay fine of ₹5000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Section 304-

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

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.150 dated 20.08.2010. The brief facts of the case as noted down in the judgment passed by learned SDJM, Kalka, are as under:-

“2. Tersely stated, the prosecution has come with the case that on 20.8.2010, HC Dhoom Singh along with Ct. Fakir Chand was present on his patrolling duty at bus stand, Pinjore when he received an information regarding the occurrence of an accident at Kalka-Shimla road. Upon receiving this information, HC Dhoom Singh along with other police officials reached at the site of occurrence of accident where he came to know that the injured had already been taken to Civil Hospital, Kalka. Upon this, HC Dhoom Singh along with other officials reached at Civil Hospital, Kalka where one Satbir Singh made a statement to him. The complainant namely Satbir Singh stated that on 20.8.2010, he along with his father namely Hari Chand was going towards Kalka from Pinjore on a scooter bearing registration no. HP12A- 4984. At nearly 8.00 pm, when he reached near Shera Wali Mata temple, Kalka, then one tipper truck bearing registration no. HR68-1330 came from the back side at a high speed as well as in a negligent manner and hit his scooter. Due to sudden striking from back, the complainant fell down from the scooter and his father namely Hari Chand also fell down on the road due to which he was crushed under the tipper truck. The unknown driver of the offending truck run away from the spot after causing the accident. Due to severe injuries received in the said accident, the father of the complainant expired at Civil Hospital Kalka. Hence, the complainant leveled an allegation that his father had expired due to rash and negligent driving of the offending tipper truck made by its driver on the day of occurrence. On

this complaint made by the complainant namely Satbir Singh, the instant criminal case was registered as Police Station Pinjore.

3. After the registration of the case, police agency swung into action. The Investigating Officer initiated the investigation and collected all the incriminating material against the accused. The statement of the witnesses were recorded under Section 161 Cr.P.C and site plan was prepared which culminated into the submission of the challan under Section 173 Cr.P.C. against the accused.”

Learned SDJM, Kalka, 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 Sessions Judge, Panchkula, vide judgment dated 27.04.2016.

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

Learned counsel for the petitioner contended that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2010.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioner is first offender, only bread earner of the family and in view of the fact the petitioner is suffering from long protracted criminal proceedings since 2010 i.e. for the last about seven years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC. However, the other sentence, sentence of fine and in default thereof, will remain the same. Both the sentences shall

run concurrently.

With the above-said modification in the sentence, the present revision petition stands dismissed.

January 27, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No