

CRR No. 419 of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 419 of 2015
Date of Decision: January 31, 2017

Amrik Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Surjeet Singh Chaudhary, D.A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (Oral):

Present revision petition has been preferred by the petitioner against the judgment of conviction and order of sentence passed by the Additional Chief Judicial Magistrate, Sangrur, dated 13.02.2014, whereby, the petitioner was found guilty of the offences punishable under Sections 279, 337 and 338 of the Indian Penal Code (hereinafter referred to as 'IPC') and sentenced as under:-

Under Section	Sentence
279 IPC	To undergo rigorous imprisonment for six months and to pay fine of ₹ 500/-. In default thereof, he will further undergo rigorous imprisonment for fifteen days.
337 IPC	To undergo rigorous imprisonment for six months and to pay fine of ₹ 500/-. In default thereof, he will further undergo rigorous imprisonment for fifteen days.
338 IPC	To undergo rigorous imprisonment for one year and to pay fine of ₹ 1,000/-. In default thereof, he will further undergo rigorous imprisonment for one month.

All the sentences were ordered to run concurrently. Appeal against the said judgment of conviction and order of sentence was filed by the petitioner which was dismissed by the Sessions Judge, Sangrur, on 06.06.2014, leading to the filing of the present revision petition.

At the outset, learned counsel for the petitioner has stated that he does not challenge the judgment of conviction on merits and confines his arguments only regarding quantum of sentence and prays for reduction of sentence of the petitioner to the period already undergone by him.

It is admitted by the counsel for the State, on instructions from Head Constable Jasbir Singh, No.2415, Police Station Longowal, District Sangrur, that the petitioner has, as per the affidavit of custody of the Deputy Superintendent of Police, Central Jail, Patiala, dated 26.01.2017, where the petitioner is lodged, already undergone sentence of 5 months and 11 days including remission out of the total sentence of one year awarded by the Courts below. He, however, states that the sentence as has been imposed by the Courts below does not call for any interference by this Court in the present revision petition as the accident has resulted in the injuries to two persons. He, therefore, prays for dismissal of the revision petition.

Having considered the submissions made by the counsel for the parties and taking into consideration the fact that the petitioner was driving a motorcycle, which hit the scooter on which complainant-Raja Singh (PW-1) and Jarnail Singh were traveling and that the petitioner having already suffered incarceration of 5 months and 11 days as on 26.01.2017, the ends of justice would best be met if the petitioner is sentenced to the

period already undergone by him.

Thus, the conviction of the accused is upheld and his sentence is reduced to the period already undergone by him especially keeping in view the fact that the said accident had taken place long back on 19.07.2010. However, the fine of ₹ 2,000/- as imposed upon the accused, is increased to ₹ 10,000/- to be paid to complainant-Raja Singh, failing which, the present revision petition shall be deemed to have been dismissed. On deposit so being made, trial Court will issue a notice to complainant-Raja Singh and disburse the amount to him forthwith.

The revision petition stands partly allowed in above terms.

The petitioner be released forthwith, if not required in any other case on fulfillment of the above condition.

January 31, 2017
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No