

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3093 of 2016 (O&M)

.....

Date of decision:16.1.2017

Abdul Jubar Sekh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.K. Arya, Advocate for the petitioner.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 6.8.2016 passed by learned Additional Sessions Judge, Gurdaspur, vide which the appeal filed against judgment of conviction and order of sentence dated 3.4.2013 passed by learned Judicial Magistrate Ist Class, Gurdaspur, convicting the accused for the offences under Sections 279, 304-A and 427 IPC and sentencing him to undergo rigorous imprisonment for six months and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for ten days for the offence under Section 279 IPC; further sentencing him to undergo rigorous imprisonment for two years and to pay a fine of ₹1,000/- and in default of payment of fine to further undergo

rigorous imprisonment for ten days for the offence under Section 304-A IPC and further sentenced to pay a fine of ₹200/- and in default of payment of fine to further undergo rigorous imprisonment for ten days for the offence under Section 427 IPC, has been dismissed. However, modification in sentence for the offence under Section 304-A IPC has been made and the sentence for the same has been reduced to one year instead of two years.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings of Courts below regarding conviction. However, he prayed for reduction of sentence. Hence notice of motion only qua the quantum of sentence was issued.

Mr. V.P.S. Sidhu, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this criminal revision petition.

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

The brief facts as noted down by the learned Judicial Magistrate Ist Class, Gurdaspur, in the judgment dated 3.4.2013 are as under:-

“Briefly, the present case was registered on the statement of one Lakhwinder Singh son of Sohan Singh to the effect that he is an agriculturist. Piara Singh was his cousin. On 14.12.2012, he was on his motorcycle bearing No.PB-06-3905 and his cousin Piara Singh was on his Activa Scooter bearing No.PB-35H-

2266 were coming towards Gurdaspur for personal work. When his brother was started crossing the bye-pass of Village Man Kaur Singh, then a truck bearing No.JK-08A-3487 came from the side of Batala at a very high speed, without blowing horn struck with the Activa scooter of his cousin Piara Singh. Due to this, his cousin Piara Singh received various injuries and died on the spot. The Activa scooter was also badly damaged. The truck driver left his truck and ran away from the spot. After recording the statement of complainant formal FIR was registered. Investigation was conducted. During the course of investigation, accused were arrested and after completion of investigation, challan was presented.”

The learned Judicial Magistrate Ist Class, Gurdaspur, convicted and sentenced the petitioner as mentioned above. An appeal was filed by the present petitioner before the Sessions Court and the learned Additional Sessions Judge, Gurdaspur, vide judgment dated 6.8.2016 dismissed the appeal but reduced the sentence to one year from two years for the offence under Section 304-A IPC.

At the time of arguments, learned counsel for the petitioner mainly argued that the present petitioner is a poor person, first offender and only bread earner of the family. He also argued that the deceased was 70 years old.

After going through the record and after hearing learned counsel for the petitioner as well as the learned State counsel, I find that no

ground for reduction of sentence is made out. This is no ground that the deceased was 70 years old person. The sentence of the present petitioner has already been reduced by the learned Additional Sessions Judge, Gurdaspur, from two years to one year for the offence under Section 304-A IPC.

Therefore, keeping in view the facts and circumstances of the present case, I do not find any ground to reduce the sentence further. Hence, finding no merit in this criminal revision, the same is dismissed.

January 16, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No