

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

Crl. Revision No.3552 of 2016 (O&M)

Date of Decision: April 26, 2017.

Mange Ram

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner (s).

Mr. Jashanpreet Singh, A.A.G. Punjab,
counsel for respondent-State.

SURINDER GUPTA, J.(Oral)

CRM-12475-2017

This is application for placing on record documents Annexures
P-2 to P-5.

The same are taken on record subject to all just exceptions.

Application stands disposed of.

CRR-3552-2016

This petition has been filed by Mange Ram, whose appeal
against the judgment of his conviction as recorded by the Court of
Additional Chief Judicial Magistrate, Patiala was dismissed by learned
Sessions Judge, Patiala. The petitioner was convicted for the offence

punishable under Sections 279, 337 and 304-A of Indian Penal Code (for short-IPC) and sentenced by the trial Court as follows:-

U/s 279 IPC	R.I. for 6 months along with fine of Rs.1000/-
U/s 337 IPC	R.I. for 6 months along with fine of Rs.500/-
U/s 304-A IPC	R.I for 2 years along with fine of Rs.1500/-

As per the case of the prosecution, on 05.03.2010, the petitioner while driving truck bearing Registration No.HR-56B-0263 hit Maruti Car bearing Registration No.HR-51P-7571 due to his rash and negligent driving, as a result of which, Jarnail Singh, Rajesh Kumar and other occupants of the car suffered serious injuries. Both Jarnail Singh and Rajesh Kumar were taken to Rajindra Hospital, Patiala, where they were declared as brought dead.

Learned counsel for the petitioner has not challenged the conviction of the petitioner as recorded by the Courts below but sought reduction of the sentence awarded to the petitioner, with the submission that he has already undergone about 11 months of imprisonment. He is an old man of 62 years of age by now and is not a previous convict. He has 8 daughters, out of whom 3 have been married. He has to arrange for the marriage of remaining 5 daughters. There is no bread earner of the family except him.

Learned State Counsel has argued that due to rash and negligent driving of truck by the petitioner, two precious lives were lost. The petitioner is not entitled to any leniency with regard to quantum of sentence, as provided under Section 304-A IPC.

As per custody certificate placed on file, the petitioner has already undergone sentence of six months twelve days as on 06.02.2017.

By now he must have undergone about 9 months of actual imprisonment. He is an old man of 62 years of age. The documents placed on file show that he had eight daughters, out of whom, five are still unmarried. Keeping in view all these facts and the nature of offence, I am of the opinion that interest of justice shall be fully served if the substantive sentence of petitioner awarded by the trial Court under Section 304-A IPC, is reduced from rigorous imprisonment for two years to rigorous imprisonment for 18 months.

As a sequel of my above discussion, this petition is partly allowed. Conviction of petitioner under Sections 279, 337 and 304-A IPC, as recorded by the Courts below, is maintained. However, substantive sentence awarded to the petitioner for the offence punishable under Section 304-A IPC, is reduced from rigorous imprisonment for two years to rigorous imprisonment for 18 months, maintaining the amount of fine and sentence for the other offences, as awarded by the trial Court.

Copy of this order be sent to Superintendent, Central Jail, Patiala, for necessary action.

April 26, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No