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

**CRR No.3794 of 2016 (O&M)
Date of Decision: 11.05.2017**

**Vicky @ Vikram
Vs**

.....Petitioner

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Deepak Basatia, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

[1]. The present crl. Revision petition has been preferred by the petitioner against the judgment dated 12.07.2016 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhari vide which judgment of conviction dated 29.10.2015 and order of sentence dated 30.10.2015 passed by Judicial Magistrate, Ist Class, Yamuna Nagar at Jagadhri were maintained.

[2]. Brief facts are that FIR No.192 dated 26.11.2011 under Sections 279, 304-A IPC and under Section 181 of the Motor Vehicles Act (for short 'the Act') was registered against the petitioner with the allegations that on 26.11.2011, a telephonic information was received in the Police Station in respect of an accident in which one Surjit had died. Complainant Gulshan

gave his statement to the effect that he was running a tyre puncture shop. His uncle Surjit was running a *karyana* shop. He was busy in his shop and his uncle was sitting with him. At about 7.45 a.m., his uncle Surjit left for walk towards the fields. At that time a school bus of Spring Dail School driven by petitioner came in rash and negligent manner and hit Surjit. Due to which, Surjit was crushed under the bus and he sustained multiple injuries on his head and right arm. The driver of the bus stopped the bus near the complainant and thereafter fled away. Sutjit was removed to the Hospital, where he was declared brought dead.

[3]. After investigation, the Police filed report under Section 173 Cr.P.C. Charges were framed against the petitioner for the offence under Sections 304-A, 279 IPC and Section 181 of the Act to which the petitioner pleaded not guilty and claimed trial. Thereafter prosecution led the evidence.

[4]. Statement of the accused-petitioner was recorded under Section 313 Cr.P.C and the entire incriminating material was put to him. Petitioner pleaded false implication.

[5]. Petitioner examined three witnesses in his defence evidence, however he did not tender any documentary evidence. The evidence of the accused/petitioner was closed.

[6]. The trial Court on due appreciation of evidence, convicted the petitioner for the offences under Sections 279, 304-A IPC and Section 181 of the Act. Petitioner was sentenced to undergo six months of simple imprisonment under Section 279 IPC and two years of simple imprisonment under Section 304-A IPC. Petitioner was sentenced to pay fine of Rs.500/- under Section 181 of the Act along with default mechanism. All the sentences were ordered to run concurrently.

[7]. Feeling aggrieved against the judgment of conviction and order of sentence, petitioner preferred an appeal before the lower Appellate Court, which was dismissed by the lower Appellate Court on 12.07.2016. That is how the present petition came to be filed before this Court.

[8]. I have heard learned counsel for the parties.

[9]. In the present petition, records of the Courts below were ordered to be requisitioned on 13.02.2017. Seeing the total period of custody undergone by the petitioner, date of hearing was preponed to 07.04.2017 and thereafter case was adjourned to 25.04.2017. On 25.04.2017, it was noticed that notice of the present petition was yet to be issued, therefore, notice of the petition was issued and it was got accepted by learned State counsel. Thereafter the case was adjourned for

today i.e. 11.05.2017.

[10]. Learned counsel for the petitioner confined his arguments only to the extent of quantum of sentence in view of fact that out of total sentence of 2 years, the petitioner has already gone 1 year 9 months 20 days of actual sentence. Petitioner is not involved in any other case and he has a family comprising of brother, mother and self to be maintained. Petitioner is still unmarried and has a responsibility towards the family.

[11]. Keeping in view the antecedents of the petitioner, since he has already undergone 1 year 9 months and 20 days of actual sentence as on date, therefore, in my considered opinion, the remaining sentence of the petitioner deserves to be reduced to the period already undergone by him.

[12]. In view of above, remaining sentence of the petitioner is ordered to be reduced for the period already undergone by him, however subject to the deposit of fine as imposed by the trial Court. Necessary consequences to follow.

[13]. Petition stands disposed of.

May 11, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No