

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

**CRR No.4270 of 2016(O&M)
Date of Decision: 17.04.2017**

Jasmeet Singh

.....Petitioner

Versus

State of Punjab

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

RAJ MOHAN SINGH, J.

CRM No.4035 of 2017

For the reasons mentioned in the application, the same
is allowed.

Amended memo of parties is taken on record.

Main case

[1]. Petitioner has filed this revision petition against the judgment dated 31.08.2016 passed by Sessions Judge, Kapurthala, vide which sentence awarded by the trial Court was modified. Petitioner was ordered to undergo rigorous imprisonment for one year instead of two years under Section 304-A IPC. Sentence ordered under Section 279 IPC and fine imposed by the trial Court under Sections 279 and 304-A IPC

were ordered to remain intact.

[2]. Prosecution story started on the basis of statement of complainant Sukhwinder Singh who claimed that on 01.07.2011 at about 11.30 AM, he was going from his village Dialpur to Murar on his motorcycle where his agricultural land was situated. One Bhupinder Singh was going on his scooty from Hamira to Kartarpur. Offending vehicle came from his back side in a rash and negligent manner and struck against the scooty of Bhupinder Singh who fell down from the scooty. The driver of the offending vehicle tried to run away, but the complainant caught him. Complainant took Bhupinder Singh to the hospital, where he died. Petitioner was tried for the offences under Sections 279, 304-A and 427 IPC.

[3]. After investigation, challan was presented and the petitioner was charge-sheeted. Petitioner pleaded not guilty and claimed trial. After completion of prosecution evidence, statement of petitioner-accused was recorded under Section 313 Cr.P.C and incriminating material was put to him to which he pleaded innocence.

[4]. Trial Court on the basis of evidence, convicted the petitioner for the offences under Sections 279, 304-A IPC and sentenced him to undergo rigorous imprisonment for a period of 2 years and to pay fine of Rs.1500/- under Section 304-A IPC

along with default clause and to undergo rigorous imprisonment for a period of 6 months and to pay fine of Rs.500/- under Section 279 IPC along with default clause.

[5]. The petitioner-accused feeling aggrieved by the judgment/order of the trial Court filed an appeal before the Sessions Judge, Kapurthala, who dismissed the appeal vide judgment dated 31.08.2016 with partial modification in the sentence as mentioned in the preceding para.

[6]. At the time of issuance of notice of motion, learned counsel for the petitioner did not press the revision petition on merits, but prayed for reduction of sentence in view of period of 7 months and 15 days undergone by the petitioner, out of total sentence of 1 year under Section 304-A IPC.

[7]. Learned counsel for the petitioner submitted that petitioner is the first offender and is not involved in any other case. Reliance was placed on **State of Punjab Vs. Saurabh Bakshi, 2015 RCR (Criminal) 495** wherein the Hon'ble Apex Court reduced the sentence from one year to six months. Learned counsel also relied upon judgment dated 30.05.2016 passed in **CRR No.1367 of 2016** titled **Ishwar Singh Vs. State of Haryana** and judgment dated 10.02.2016 passed in **CRR No.2976 of 2015** titled **Mehar Singh Vs. State of Haryana** and contended that even if, the judgment of conviction and order of

sentence are not to be opened on merits, still this Court can interfere on the quantum of sentence in view of period already undergone by the petitioner. The family of victim can be compensated with some amount of compensation.

[8]. As per custody certificate, petitioner has already undergone 7 months and 15 days of actual sentence, out of total sentence of 1 year, therefore, it would be just and expedient to reduce the sentence of the petitioner for the period already undergone by him subject to increase of fine to the tune of Rs.50,000/- to be paid to the family of the deceased. While moving CRM No.7839 of 2017, legal heirs of deceased Bhupinder Singh were sought to be impleaded as respondents No.2 to 4. Respondents No.3 and 4 are minor daughter and son of Bhupinder Singh (deceased), whereas respondent No.2 is the widow of Bhupinder Singh (deceased).

[9]. In view of above, sentence of the petitioner is reduced to the period already undergone by him subject to increase of fine payable as compensation to respondent No.2 who is guardian of respondents No.3 and 4. Petitioner shall deposit an amount of Rs.50,000/- in the trial Court and on doing so, he shall be released forthwith, failing which this order will be of no consequence. In default thereof, petitioner would serve the remaining sentence as ordered by the Lower Appellate Court.

[10]. Petition stands disposed of accordingly.

17.04.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No