

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 4272 of 2016 (O&M)
Date of Decision: 24.04.2017

Sanjay Bind ...Petitioner

VERSUS

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Ms. Shivali, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

This is revision petition has been filed by petitioner-Sanjay Bind against judgment passed by Additional Sessions Judge, Faridkot whereby his appeal against judgment of the trial Court whereby he was convicted and sentenced for offences punishable under Sections 279, 304-A and 338 of Indian Penal Code (for short 'IPC') was dismissed.

2. Petitioner was convicted and sentenced by the trial Court as follows:-

<i>Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
279 IPC	RI for 3 months	₹1000/-	SI for 15 days.
304-A IPC	RI for 1 year	₹5000/-	SI for one month
338 IPC	RI for 1 year	₹5000/-	SI for one month

3. Learned counsel for the petitioner has not challenged the conviction of petitioner on merit but has confined his submissions only for taking a lenient view regarding the quantum of sentence as the petitioner has already undergone about 10 months of imprisonment by now.

4. Case of prosecution, in brief, is that on 27.05.2011, brother of

complainant-Gurjant Singh, namely, Gulzar Singh was going on Vespa scooter bearing no. PB-40-0038 to village Khara. Karamjit Kaur was sitting behind him while Chhinder Singh, her son, was sitting in middle. Complainant-Gurjant Singh was also going to village Khara on his motorcycle Platina with his brother Kala Singh. Petitioner came on his motorcycle PB-04N-7750 from the side of village Vara Draka. Two other persons were pillion rider on that motorcycle. He was driving motorcycle at a high speed in a rash and negligent manner and hit scooter of Gulzar Singh, who received serious injuries. Karamjit Kaur and her son Chhinder Singh also got injured while pillion rider with petitioner also suffered injuries. Police reached the spot and took all the injured to GGS Medical Hospital, Faridkot, where Gulzar Singh died due to injuries suffered by him.

5. On perusal of judgment of trial Court, it is evident that death of Gulzar Singh was caused due to rash and negligent driving of motorcycle by the petitioner. The trial Court while awarding sentence has already taken a very lenient view and awarded the imprisonment for one year for offence punishable under Section 304-A IPC. I find no reason to take any further lenient view regarding quantum of sentence awarded to the petitioner.

This revision petition has no merit and the same is dismissed.

April 24, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No