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

CRR No.4328 of 2016 (O&M)
Date of Decision: 03.02.2017

Bhinder Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S. Dandiwal, Advocate for the petitioner.

Ms. Rimpaljeet Kaur, AAG, Punjab.

Raj Mohan Singh, J. (Oral)

While issuing notice of motion, notice regarding quantum of sentence was issued.

Learned counsel for the petitioner did not press the revision petition on merits, rather confined his payer only to the quantum of sentence.

Petitioner was convicted for the offences under Sections 279, 337 and 338 of the Indian Penal Code and was sentenced to undergo RI for six months with fine of Rs.500/- under Section 279 IPC, RI for six months with fine of Rs.500/- under Section 337 IPC and RI for six months with fine of Rs.1000/- under Section 338 IPC. Default clauses were also incorporated in each of the offence.

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Petitioner remained unsuccessful in appeal filed before the lower Appellate Court and the conviction and sentences imposed by the trial Court were upheld.

FIR was got recorded by the complainant Yadwinder Singh on 12.07.2012 with the allegations that on 10.07.2012, he and his wife were going on a vehicle from Chandigarh to their village. When they reached near Sunam, offending vehicle came from Sangrur side in a rash and negligent manner and hit the vehicle resulting in serious injuries to the complainant and his wife. Complainant and his wife were admitted in the Civil Hospital, Sunam and thereafter they were referred to Rajindra Hospital, Patiala. At a later stage, they were also treated in Grover Hospital, Patiala. On the basis of aforesaid statement, FIR in question came to be registered.

After due investigation, challan was presented and charges were framed against the petitioner. Petitioner pleaded not guilty and claimed trial. Thereafter, prosecution led its evidence and the statement of accused was also recorded under Section 313 Cr.P.C. Entire incriminating evidence was put to the petitioner in his statement under Section 313 Cr.P.C., to which he pleaded innocence. However, the petitioner did not produce any evidence in defence.

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The trial Court convicted and sentenced the petitioner for the offences and the appeal of the petitioner was also dismissed.

Learned counsel for the petitioner submitted that petitioner is a driver by profession and his earning is very meager to meet out day to day expenses of his large family. He has already faced vagaries of trial and other proceedings since 2012.

The sentence is of six months, out of which the petitioner has already undergone about a period of 3 months. Since this Court did not intend to interfere on merits, therefore, I deem it appropriate to sentence the petitioner for the period he has already undergone, subject to increase of fine cumulatively to Rs.20,000/- to be paid to the complainant within a period of two months from the date of receipt of a certified copy of this order. It is made clear that if the amount of fine is not paid to the complainant, this order will be of no consequence.

Petition stands disposed of accordingly.

[RAJ MOHAN SINGH]
JUDGE

03.02.2017
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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	No