

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

Crl. Revision No. 4425 of 2016 (O&M)

Date of Decision: January 20, 2017.

Lahora Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Dadwal, Advocate
for the petitioner (s).

Mr. Ashish Sanghi, D.A.G. Punjab,
counsel for respondent-State.

SURINDER GUPTA, J.(Oral)

The present revision petition has been filed against the judgment dated 13.09.2016 passed by learned Additional Sessions Judge, Moga dismissing the appeal filed by the present petitioner-convict against the judgment of conviction and order of sentence dated 03.09.2014 passed by learned Judicial Magistrate 1st Class, Moga vide which the petitioner was convicted for the offences punishable under Sections 279 and 304-A of Indian Penal Code (for short 'IPC') and sentenced to undergo rigorous imprisonment for six months and two years for offences punishable under Sections 279 and 304-A IPC respectively, besides the sentence of fine.

Learned counsel for the petitioner has not challenged the conviction of the petitioner but has requested for lenient view regarding the quantum of sentence putting forth the plea that the petitioner is an ex-serviceman person aged 57 years. He is not a previous convict. Even after the accident, he has not forgotten his responsibility to take the injured to the hospital.

Learned State counsel has argued that the accident was caused due to rash and negligent driving of tempo bearing registration No.PB-04G-9447, resulting in death of a young girl, as such, the petitioner is not entitled to any reduction in the quantum of sentence.

It is not disputed that the petitioner is not a previous convict. Keeping in view the age and antecedents of the petitioner, I am of the view that petitioner-convict deserves some leniency in the quantum of sentence. Hence, the present revision petition is partly accepted. While affirming the judgment of conviction as passed by learned trial Court and affirmed by learned appellate Court, the order of sentence is modified to the extent that period of rigorous imprisonment of two years for the offence punishable under Section 304-A IPC is reduced to rigorous imprisonment for one year six months. Remaining sentence awarded to the petitioner is maintained.

Disposed of accordingly.

January 20, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No