

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No.4490 of 2016 (O&M)

Date of Decision: 20.02.2017

Naveen Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Sandeep Bansal, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant revision petition is directed against the order dated 10.11.2016 passed by the learned Additional Sessions Judge, Sangrur whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 29.07.2015 passed by the Judicial Magistrate Ist Class, Sunam whereby he was convicted under Sections 279 and 338 of the Indian Penal Code and sentenced to undergo RI for 06 months each and to pay a fine of Rs.1000/- each. has been upheld.

Briefly stated the case of the prosecution is that on 06.05.2012, Nachhatar Singh complainant along with his mother Balbir Kaur, son Sagar Singh and sister Ranjit Kaur were proceeding from Sangrur to Bhawanigarh in an Alto Car bearing registration No. PB-11-AA-3043. At about 1.30 p.m. one tempo Tata 407 bearing registration No. HR-39-9635 being driven by Naveen Kumar/present petitioner in a rash and negligent manner struck the Alto Car, as a result of which the occupants of the car suffered injuries. All the injured were stated to have been admitted to Civil Hospital, Sangrur.

Chandigarh for treatment whereas Ranjit Kaur was discharged.

After completion of investigation, report under Section 173 of the Code of Criminal Procedure was filed against Naveen Kumar petitioner/accused to face trial. He stands convicted and sentenced by the trial Court as afore-noticed and appeal filed by him against the judgment of conviction and order of sentence has been dismissed by the learned Additional Sessions Judge, Sangrur.

Learned counsel appearing for the petitioner at the very outset makes a statement that he is not assailing the conviction on merits but would confine the scope of the instant revision petition only as regards quantum of sentence. Learned counsel would submit that the petitioner is a poor person and the sole bread winner of the family.

Counsel for the parties have been heard.

Adverting back to the facts of the present case, undoubtedly occupants of the Alto car suffered injuries on account of the offending vehicle being driven by the present petitioner having struck against it. However, there are sufficient mitigating circumstances that would justify this Courts intervention as regards quantum of sentence.

The incident relates back to the year 2012. The petitioner has faced the agony of trial followed by appeal for a period of almost 05 years. He is stated to be a poor person and sole bread winner of the family.

As per custody certificate furnished by learned State counsel, the petitioner has undergone a custody period of 02 months and 29 days as on 09.02.2017. The total sentence undergone including remission is 03 months and 09 days. In other words, as of date out of the substantive sentence of 06 months each for offence under Sections 279 and 338 IPC, the

petitioner has already undergone actual sentence of almost 03 ½ months.

He is not stated to be involved in any other criminal proceedings.

Taking into account the afore-noticed mitigating circumstances, the present revision petition is partly allowed to the extent of upholding the conviction of the petitioner but reducing the sentence of the petitioner to the period already undergone.

The petitioner be released forthwith if he is not required in any other case subject to deposit of fine if not already paid.

With such modification in the matter of sentence, the revision petition stands disposed of.

20.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No