

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 4539 of 2016 (O&M)
Date of Decision: 25.04.2017

Balkar Singh ...Petitioner

VERSUS

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aditya Pal Singla, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.

This is revision petition filed by Balkar Singh against judgment dated 18.08.2015 passed by Additional Sessions Judge, Amritsar whereby appeal filed by the petitioner against the judgment of trial Court convicting and sentencing him for offence punishable under Sections 279 and 304-A of Indian Penal Code (for short 'IPC'), was dismissed.

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

<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
304-A IPC	RI for 2 years	₹250/-	SI for five days
279 IPC	RI for six months	₹250/-	SI for two days

3. As per case of prosecution, on 06.03.2010 Sukhbir Singh, nephew of complainant, alongwith his wife Harjit Kaur was going on motorcycle bearing registration no. PB-02-AM-7397 from Jandiala side. A tractor-trolley was coming from Jandiala side at a very high speed and

another tractor-trolley loaded with sacks of potatoes, driven by Kuldeep Singh, was coming from Ekkalgadda side. Both the tractor-trolleys were being driven in a rash and negligent manner. When both the aforesaid tractor-trolleys were about to cross each other, one, which was coming from Jandiala side, hit motorcycle of Sukhbir Singh from behind, who alongwith his wife fell on the ground and got crushed under the other tractor-trolley, which was coming from the side of Ekkalgadda, resulting in injuries and death of both. The trial Court convicted and sentenced the petitioner and Kuldeep Singh, driver of other tractor-trolley.

4. Learned counsel for the petitioner has not challenged the conviction of petitioner on merits and has confined his submissions only for taking a lenient view regarding the quantum of sentence awarded to the petitioner. He has submitted that the petitioner by now has undergone more than one year and 11 months of imprisonment. The petitioner is not a previous convict, as such, his sentence may be reduced to the period of imprisonment already undergone by him.

5. Perusal of custody certificate dated 03.02.2017, shows that the petitioner had undergone 1 year and 9 months of imprisonment as on 02.02.2017. By now he has undergone almost entire sentence awarded to him. He is not a previous convict.

6. Keeping in view submissions of learned counsel for the petitioner, the conviction of petitioner for offence punishable under Sections 279 and 304-A IPC is maintained. However, substantive sentence awarded to the petitioner is reduced from rigorous imprisonment for two years to the period of imprisonment already undergone by him.

7. With above modification, the instant revision is disposed of.
8. Copy of this order be immediately sent to Superintendent, Central Jail, Amritsar for information and necessary action.

(SURINDER GUPTA)
JUDGE

April 25, 2017
jk

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***