

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

**CRR No.1009 of 2017 (O&M)
Date of Decision: December 06, 2017**

Gurpreet Singh

...Petitioner

VERSUS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Thakan, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Gurpreet Kumar against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 28.10.2014 passed by learned Judicial Magistrate Ist Class, SAS Nagar, Mohali, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months under Section 279 IPC and to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment of fine, to further undergo simple imprisonment for a period of five days under Section 304-A IPC and also challenging the judgment dated 18.02.2017 passed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against

petitioner in case FIR No.126 dated 13.08.2012 under Sections 279 and 304-A IPC. The brief facts of the case as noted down in the judgment passed by learned JMIC, SAS Nagar, Mohali, are as under:-

“2. In brief, the case of the prosecution as per the version of the complainant is that he is running the shop of confectionery. On 13.8.12 at about 11:45 A.M, he while riding his motor cycle bearing no. PB-27- 6649 was going to his duty. Sohan Singh @ Toni was also going to his duty riding his motor cycle bearing no. PB-65G-9918. When they reached near CGC College, Landran, Sohan Singh was going ahead of him. Then a Tipper (Truck) bearing no. PB-12J-4777 which was being driven by its driver in a rash and negligent manner came from Landran side and struck against the motor-cycle of Sohan Singh. As a result of this collision Sohan Singh fell down. He at once came there to rescue him. People gathered at the spot. The driver of the tipper came there and disclosed his name as Gurpreet Singh son of Surinder Singh. Later on, Sohan Singh died. This incident took place due to rash and negligent driving of the driver of offending vehicle. On the basis of said complaint the present case was registered and investigation was pressed into service. The formal FIR under said offences was registered and investigation was initiated. Rough site plan of the place of occurrence was prepared. During investigation, the accused was arrested. The dead body of the deceased was handed over to his legal heirs. The statement of witnesses were also recorded. The case property was taken into police possession. The personal search of the accused was conducted. All the formalities of investigation were completed. The challan was prepared and was presented before the court against the accused.”

Learned JMIC, SAS Nagar, Mohali after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide judgment dated 18.02.2017.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner did

conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner contended that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2012.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 28.10.2014 passed by learned JMIC, SAS Nagar, Mohali, is correct, as per law and does not require any interference from this Court and the appeal filed by the petitioner has been rightly dismissed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide judgment dated 18.02.2017.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be first offender, only bread earner of the family and facing long protracted criminal proceedings since 2012 i.e. for the last 5 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year and three months under Section 304-A IPC instead of two years. However, other sentence, sentence of fine and in default thereof, shall remain the same.

With the above-said modification in the sentence, present revision petition stands dismissed.

December 06, 2017

Vgulati

Whether speaking/reasoned

Whether reportable

(INDERJIT SINGH)**JUDGE****Yes****No**