

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1127 of 2017 (O&M)

Date of Decision: 28.08.2017

PALA

...Petitioner.

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Kartar Singh, Advocate
 for the petitioner.

 Mr. R.K. Makkad, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH, J. (ORAL)

The present revision petition has been filed against the judgment dated 06.03.2017, passed by the learned Additional Sessions Judge, Palwal, affirming the judgment of conviction dated 04.10.2016 and order of sentence dated 05.10.2016 passed by the learned Judicial Magistrate Ist Class, Palwal, vide which the petitioner was convicted and was ordered to undergo the following sentence: -

Under Section 279 IPC

To undergo rigorous imprisonment for a period of 3 months and to pay a fine of ₹1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days.

Under Section 337 IPC

To undergo rigorous imprisonment for a period of 6 months and to pay a fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 10 days.

Under Section 304-A IPC

To undergo rigorous imprisonment for a period of 1 year and to pay a fine of ₹1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days.

However, all the sentences were directed to run concurrently.

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Learned counsel for the petitioner has contended that in this case three persons were riding a motorcycle bearing registration No. HR-30K-1334 which hits a bicycle driven by Rekha Tewatia-complainant. As a result of the accident, motorcycle fell down and one of them namely Ashish died due to fall from the motorcycle. It is contended that the motorcycle had hit the bicycle being driven by complainant and it was as a result of the hitting of the motorcycle that Ashish, who was riding pillion of the said motorcycle fell down from the motorcycle. It is not a case that the motorcycle had hit the deceased. Therefore, he prays for reduction in the sentence awarded to the petitioner.

Custody Certificate dated 28.08.2017 has been filed in the Court today which shows that the petitioner has undergone the sentence of 6 months and 27 days including remissions.

Taking into consideration the totality of the circumstances, the sentence of rigorous imprisonment for 1 year under Section 304-A IPC is reduced to rigorous imprisonment for 9 months under the said Section while maintaining the other part of the sentence awarded to the petitioner.

With this modification in the quantum of sentence of the petitioner as indicated herein above, the present revision petition stands dismissed.

August 28, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned :	☒	Yes	/	☐	No
Whether Reportable :	☐	Yes	/	☒	No