

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No. 1165 of 2017

Date of Decision: May 12, 2017

Rikhi Lal son of late Shri SwarnaPetitioner

Versus

State of PunjabRespondent

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

Present: Mr.Subhash Ahuja, Advocate for the petitioner.
Mr.Varun Sharma, Assistant Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the concurrent conviction of the petitioner under Sections 279/337/338 of the Indian Penal Code and whereby the petitioner has been sentenced as under:

Offence under Section	Sentence awarded
279 IPC	To undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days.
337 IPC	To undergo rigorous imprisonment for a period of six months and to pay a fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month.
338 IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month.

2. Briefly, it may be noticed that the process of law was set in motion on the statement of Jagrant Singh who asserted that on 15.2.2011 he along with his wife Mandeep Kaur, son Harbaksh Singh, daughter Jagneet Kaur, sister Kuljit Kaur and brother-in-law Gian Singh was returning back in his Swift Car bearing registration No.PB-10-CM-0609 to Nawanshahar after attending a marriage ceremony at Phagwara. Upon reaching Mahalon Colony at about 6.00 p.m., one Tata 207 vehicle bearing registration No.PB-32-F-9475 came at a high speed being driven in a rash and negligent manner and struck against the Swift car. The accident resulted in the injuries to the complainant as also his wife and brother-in-law. On the statement of Jagrant Singh, FIR was registered and investigation commenced. On completion of investigation, report under Section 173(2) of the Code of Criminal Procedure was presented against the accused (petitioner herein) being the Driver of the offending vehicle. Charges were framed against the petitioner on 10.2.2012, under Sections 279/337/338 of the Indian Penal Code, to which he pleaded not guilty and claimed trial.

3. Prosecution, to prove its case, examined eight witnesses. Statement of the accused/petitioner was recorded under Section 313 of the Code of Criminal Procedure and the entire incriminating evidence was put to him. Petitioner-accused did not lead any evidence in defence.

4. The trial has culminated in the conviction and sentence of the petitioner as noticed hereinabove. The judgment of conviction and order of sentence stand confirmed by the Appellate Court.

5. Learned counsel appearing for the petitioner makes a statement at the bar that he is not assailing the conviction of the petitioner on merits, but would confine the scope of the instant revision petition only as regards quantum of sentence.

6. In the considered view of this Court, there are sufficient mitigating circumstances to accept the limited prayer advanced by learned counsel representing the petitioner.

7. The incident relates back to the year 2011. The petitioner has faced the pangs of trial followed by appeal for over a period of six years. Petitioner is stated to be almost 55 years of age and the only bread-earner to support a large family. Learned counsel states that the petitioner has two sons, and one of them is mentally retarded. The petitioner is also obligated to support his married daughter who unfortunately has been turned out of her matrimonial home.

8. As per custody certificate of the petitioner furnished by learned State counsel, petitioner has undergone an actual custody period of almost 3-1/2 months.

9. In view of the mitigating circumstances noticed hereinabove, ends of justice would be met if the substantive sentence awarded to the petitioner is reduced to six months rigorous imprisonment.

10. Accordingly, the instant revision petition is disposed of in terms of affirming the conviction of the petitioner. However, the substantive sentence awarded to the petitioner is reduced to six months rigorous imprisonment. Petitioner would be released upon completion of such reduced sentence and upon deposit of

fine as imposed by the trial Court, if not already paid.

11. Revision petition is disposed of in the aforesaid terms.

May 12, 2017
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether speaking/reasoned? Yes/No
Whether Reportable? Yes/No