

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

245

**CRR-1370 of 2017 (O&M)
Date of decision: 16.11.2017.**

Gurwinder Singh

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

SHEKHER DHAWAN, J.

Present petition is directed against the judgment 23.02.2017 passed by learned Additional Sessions Judge, Tarn Taran, while dismissing the appeal filed by the petitioner against the judgment and order of sentence dated 20.11.2015 passed by learned Additional Chief Judicial, Magistrate, whereby the present petitioner was convicted for the offence punishable under Section 279, 304-A IPC and was sentenced to undergo maximum two years' rigorous imprisonment with fine of Rs.1000/-. In default of payment of fine, to further undergo R.I. for one month.

Learned counsel for the petitioner, while restricting his prayer, that he does not challenge the judgment of conviction of the trial Court and the judgment passed by learned Additional Sessions Judge in appeal, on merit, but taking into consideration the fact that the petitioner has already undergone sentence of 09 months and 13 days against awarded sentence of 02 years and is not involved in any other case of similar nature, contends that the order of sentence be modified accordingly.

Learned State counsel affirms the fact regarding undergone period by the petitioner for the offence punishable under Sections 279 & 304-A IPC.

Having considered the above facts that the petitioner has already undergone sentence of 09 months and 13 days against awarded sentence of 02 years and is not involved in any other case of similar nature, the present revision petition against the judgment of conviction of the trial Court and the judgment of the first appellate Court passed in appeal affirming the aforesaid judgment of conviction, stands dismissed. However, the order of sentence is modified to the extent that the sentence awarded to the petitioner-revisionist in this case shall be to the period which he has already undergone while remaining in custody.

Resultantly, the present revision petition against order of sentence dated 20.11.2015 and the judgment dated 23.02.2017 of the first appellate Court affirming the aforesaid judgment of conviction stands dismissed and qua order of sentence is partly allowed. The order of sentence is modified to the above extent that the petitioner shall undergo sentence for the period already undergone by him while remaining in custody in this case. The petitioner be released forthwith if not required in custody in any other case.

(SHEKHER DHAWAN)
JUDGE

16.11.2017
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Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No