

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

CRR No. 968 of 2016

Date of Decision: 20.01.2017

Rajeshwar

-Petitioner

Versus

Union Territory Chandigarh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. A.S.Virk, Addl. PP, UT, Chandigarh.

RAJ MOHAN SINGH, J. (ORAL)

The petitioner was convicted by the Chief Judicial Magistrate, Chandigarh for the offence under Section 185 of the Motor Vehicles Act. Petitioner was convicted on account of his admission of guilt and was sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.3,000/-. In default of payment of fine, the petitioner was ordered to further undergo simple imprisonment for 10 days.

Petitioner was also disqualified from holding any driving licence for any class of vehicle for six months in terms of Section 20 (2) of the Motor Vehicles Act, 1988.

In appeal filed before the Additional Sessions Judge, Chandigarh, the appeal was dismissed but the order of sentence was modified qua sentence. The sentence of the petitioner was reduced to simple imprisonment for one month from three months as awarded by the trial Court. Remaining part of the sentence was kept intact.

Learned counsel for the petitioner stated that the amount of fine has already been deposited. Out of sentence of one month, the petitioner had undergone 14 days as on 11.03.2016 when sentence of the petitioner was suspended subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Chandigarh. Though the petitioner had earlier committed the same offence and the enhanced punishment was awarded for the commission of offence on second occasion.

Keeping in view the total period of sentence awarded viz-a-viz period already undergone, this Court is of the view that petitioner can be sentenced for the period already undergone while maintaining the other sentence, particularly in view of the fact that period of six months disqualification for holding driving licence for driving any class of vehicle has already been expired and the petitioner has not repeated the similar offence during the intervening period.

In view of aforesaid while maintaining the conviction, the sentence is modified to the extent of period undergone by the petitioner.

Disposed of.

20.01.2017

jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No