

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

**CRR No.1673 of 2017 (O&M)
Date of Decision: July 25, 2017**

Daljit Singh @ Bittu

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ritesh Pandey, Advocate
for the petitioner.

Mr.A.S.Dhaliwal, Deputy Advocate General, Punjab
for the respondent-State.

None for respondent No.2.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Daljit Singh @ Bittu against respondents State of Punjab and Neelam Sharma, challenging the impugned judgment of conviction and order of sentence dated 01.12.2011 passed by learned Sub Divisional Judicial Magistrate, Batala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of fifteen days under Section 279 IPC and also to undergo rigorous imprisonment for a period of two years and to pay fine of ₹3000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 304-A IPC and also challenging the judgment dated 28.02.2017 passed by learned Addl. Sessions Judge, Gurdaspur, vide

which appeal filed by petitioner was dismissed. Both the sentences were

ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.23 dated 26.03.2002. The brief facts of the case as noted down in the judgment passed by learned SDJM, Batala, are as under:-

“2. As per prosecution story, complainant Naresh Kumar has alleged that they were six brothers and one sister. On 25-03-2002 at about 8.00 P.M, he along with his brother Parshotam Lal Sharma (deceased) and one Yog Raj son of Kharaiti Ram , resident of Mohalla Prem Nagar, Batala had gone to take medicines for the wife of Parshotam Lal Sharma, who was not well. When they were coming back to their home after taking medicines and they were keeping left and reached in front of UCO Bank turn Amritsar road Railway Station, Batala, then one Van bearing registration no.PB-02-C-8687 came from Amritsar side. It was being driven by Daljit Singh @ Bittu son of Kirpal Singh. The said Van was being driven at a high speed without blowing horn and on wrong side, it straightway hit the brother of the complainant namely Parshotam Lal Sharma, who was moving little ahead of them. Parshotam Lal Sharma fell on the road and suffered injuries. Parshotam Lal Sharma was taken to hospital after arranging conveyance from where he was referred to Amritsar. At Amritsar, Parshotam Lal Sharma succumbed to injuries and died. On the statement of complainant, instant FIR under section 279, 304-A of IPC was registered against the accused. The inquest report was prepared. During investigation post mortem over the dead body of deceased Parshotam Lal Sharma was got conducted. The statements of the witnesses were recorded. The accused was arrested on 27-03-2002 and on completion of investigation, challan against above said accused person was presented before the Court.”

Learned SDJM, Batala after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner-accused and the same was dismissed by learned Addl. Sessions Judge, Gurdaspur, vide judgment dated 28.02.2017.

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

At the time of arguments, learned counsel for the petitioner prayed for reduction of sentence. Learned counsel for the petitioner contended that petitioner is first offender, poor person and only bread earner of the family. He next contended that the petitioner is suffering from the criminal proceedings since 2002.

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

Keeping in view the facts and circumstances of the present case and the fact that petitioner is stated to be first offender, poor person, only bread earner of the family and is facing long protracted criminal proceedings since 2002 i.e. for the last about 15 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo imprisonment for a period of one year under Section 304-A IPC. However, other sentence, sentence of fine and in default thereof shall remain the same. Both the sentences are ordered to run concurrently.

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

July 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No