

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

CRR No.1841 of 2017 (O&M)
Date of Decision: November 20, 2017

Ranjit Kumar

...Petitioner

VERSUS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Yadvinder Singh Turka, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ranjit Kumar against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 14.09.2015 passed by learned Judicial Magistrate Ist Class, Dera Bassi, vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay fine of ₹500/- and in default of payment of fine, to undergo simple imprisonment for a period of ten days under Section 279 IPC and also to undergo simple imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Section 304-A IPC and also challenging the judgment dated 22.11.2016 passed by learned Addl.

Sessions Judge, SAS Nagar, Mohali, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against petitioner in case FIR No.235 dated 20.12.2012 under Sections 279 and 304-A IPC. The brief facts of the case as noted down in the judgment passed by learned JMIC, Dera Bassi, are as under:-

“2. The prosecution version is that, on 20.12.2012, HC Harnek Singh alongwith the police party was present for routine checking on private vehicles near Nagar Khera, Dera Bassi when he received information from informant Gorav Bhardwaj to the effect that, “I am son of late Navneet Sharma. I do the work of Pandit in performing marriages of people. Today, at about 8.20 AM, I alongwith my father Navneet Sharma had gone to Nagar Khera for paying obeisance on motorcycle bearing No. PB-70-B-2868 Bajaj XCD 125. At about 8.40 PM we were starting to return from Nagar Khera. My motorcycle was parked outside the Nagar Khera. I had started the motorcycle. My father was going to sit on the pillion. In the meantime, from the Ambala side, one tanker, being driver at a high speed and in a rash and negligent manner, came and struck into my motorcycle. Due to the impact, my father fell on the right side of the road and I fell alongwith the motorcycle on the left side of the road. The tanker ran over the head of my father. Due to this, the head of my father got crushed and he died on the spot. The tanker driver stopped the tanker and came down. I saw that he was a Hindu Gentleman. I noted the number of the tanker as HR-58-D-0035. I can identify the tanker driver on being confronted with him. My father died due to the rash and negligent driving of the tanker stated above by its driver.” On this statement, ruqa was prepared. FIR was got registered under Sections 279, 304-A IPC. Inquest proceedings were initiated. Form No.25-35-B was filled. Dead body was got identified. Postmortem of the dead body was got conducted. Statements of the witnesses were recorded. Rough site plan of the place of accident was prepared. The vehicles involved in the accident were taken into police possession vide separate memos of recovery. Documents of the offending vehicle were also taken into police possession vide separate memo of recovery. Accused was arrested vide his separate memo of arrest. Memos of information and personal search were prepared. On completion of the investigation, challan against the accused has been presented in the Court.”

Learned JMIC, Dera Bassi after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide judgment dated 22.11.2016.

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

At the time of arguments, 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. Learned counsel for the petitioner argued that petitioner is only bread earner of the family and he is suffering from the criminal proceedings since 2012. He also contended that the petitioner has already undergone imprisonment of 1 year 1 month and 16 days including remission.

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

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 14.09.2015 passed by learned JMIC, Dera Bassi, is correct, as per law and does not require any interference from this Court and the appeal filed by the petitioner has been rightly dismissed by learned Addl. Sessions Judge, SAS Nagar, Mohali, vide judgment dated 22.11.2016.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be only bread earner of the family and facing long protracted criminal proceedings since

already undergone 1 year 1 month and 16 days of actual sentence including remission of 1 month and 20 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Ranjit Kumar, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

November 20, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No