

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

**CRR No.19 of 2017 (O&M)
Date of Decision: April 27, 2017**

Kuldeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashish Gupta, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kuldeep Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 10.06.2014 passed by learned Judicial Magistrate Ist Class, Moga, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment, to undergo rigorous imprisonment for a period of one month under Section 304-A IPC and further to undergo imprisonment for a period of six months under Section 279 IPC and also challenging the judgment dated 11.11.2016 passed by learned Sessions Judge, Moga, 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.20 dated 29.01.2001. The brief facts of the case as noted down in the judgment passed by learned JMIC, Moga, are as under:-

“2. The genesis of the present FIR can be traced to the statement dated 29.1.2001 made by complainant Sukhdev Singh. It was submitted by the complainant that on the morning of 29.1.2001, at about 9:00 A.M, the complainant along with Ruldu Singh and Harbans Singh were causally talking, standing in front of the house of Ruldu Singh. The son of the complainant, Balwant Singh was approaching the complainant on a bicycle. He was riding the same on the left fringe of the road. In the meanwhile a truck bearing No PB-10H-9793 approached from the side of village Dharamkot. It was further claimed that the truck was being driven in a rash and negligent manner. Ultimately, the truck driver rammed his truck into the bicycle of the son of the complainant and badly crushed the son of the complainant under it's tires. The son of the complainant, Balwant Singh, succumbed to the injuries at the spot where as the truck driver, with shorn hair, sped away from the spot.”

Learned JMIC, Moga, 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 Sessions Judge, Moga, vide judgment dated 11.11.2016.

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

Learned counsel for the petitioner contended that petitioner is first offender and suffering from the criminal proceedings since 2001 and prayed for reduction of sentence imposed upon the petitioner. He further contended that the petitioner has already undergone actual sentence of 11 months and 18 days including remission.

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 in view of the fact that petitioner is stated to be first offender and is facing long protracted criminal proceedings since 2001 i.e. for the last about 16 years and also in view of the fact that petitioner has already undergone actual sentence of 11 months and 18 days including remission of 20 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner, Kuldeep Singh, 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.

April 27, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No