

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

CRR No.1989 of 2017 (O&M)
Date of Decision: September 25, 2017

Attar Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.P.Jangu, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Attar Singh against respondent State of Haryana, challenging the impugned judgment of conviction dated 25.04.2016 and order of sentence dated 29.04.2016 passed by learned Sub Divisional Judicial Magistrate, Kosli vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Section 279 IPC, and further to undergo rigorous imprisonment for a period of four months and to pay fine of ₹500/- and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days under Section 337 IPC and also to undergo rigorous imprisonment for a period of one year and six months and to pay fine of

for a period of one month under Section 338 IPC and also challenging the judgment dated 16.05.2017 passed by learned Sessions Judge, Rewari, vide which appeal filed by petitioner was dismissed. All 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 challan was presented against the petitioner in case FIR No.21 dated 14.03.2014 under Sections 279, 337 and 338 IPC. The brief facts of the case as noted down in the judgment passed by learned SDJM, Kosli, are as under:-

“2. The case of the prosecution is that statement of complainant Gajraj was recorded on 14.03.2014 with effect that he is running a shop in the name of Vicky Cloth House in Beri Kalan. On 13.03.2014 around 11.30 AM, he along with his son Vikas Yadav were going towards village Berli Khurd on his motorcycle HR-36J-9683 Super Seplender which was driven by complainant. When they reached near turn of Berli Khurd a pickup bolero driver came in his car from side of Rewari and that car was being driver at very high speed and in a rash and negligent manner. It hit the motorcycle. He and his son fell down and received various injuries. When compla got up, driver of pickup Bolero had run away from the spot leaving behind his pickup bolero. Its registration number was HR-47C-0237. He brought h is son of Rewari in Aaditya Hospital and then to PGIMS Rohtk. On this basis, present FIR was registered.”

Learned SDJM, Kosli, 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,

Rewari, vide judgment dated 16.05.2017.

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 a first offender and sole bread earner of the family. Learned counsel for the petitioner further contended that the petitioner is suffering from the criminal proceedings since 2014.

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 sole bread earner of the family and also in view of the fact that he is facing long protracted criminal proceedings since 2014 i.e. for the last about 3 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of six months under Section 338 IPC instead of one year and six months. However, other sentences, sentence of fine and in default thereof, shall remain the same.

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

September 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No