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

CRR No.2047 of 2017 (O&M)
Date of decision: May 30, 2017

Sanju

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Tarun Dhingra, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion for final disposal.

At the asking of the Court, Ms. Tanushree Gupta, DAG Haryana accepts notice on behalf of the State.

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

This is a revision petition against the judgment and order dated 10.11.2016/11.11.2016 in Criminal Case No.47/2016, passed by the Judicial Magistrate Ist Class, Shahabad by which the petitioner was convicted for offence punishable under Section 174-A of the Indian Penal Code, 1860 (for short 'IPC') and sentenced to undergo simple imprisonment of 6 months and to pay fine of ₹500/- and against the judgment dated 20.05.2017 in Criminal Appeal no.353 of 2016, passed by the Sessions Judge, Kurukshetra vide which the above said order of conviction passed by the JMIC, Shahabad was confirmed; modified the sentence awarded to the petitioner and reduced the same to 4 months.

Learned counsel for the petitioner submits that in the main case,

out of which the present offence under Section 174-A arose and in which the petitioner was convicted, resulted into acquittal of the petitioner. He submits that at any rate, the petitioner has undergone sentence of approximately one month and 10 days. He further submits that there is no offence against the petitioner nor the petitioner has any criminal antecedents.

Looking to the fact that the main case in which the petitioner was convicted was for the offence in relation to the accident in which the petitioner was involved and looking to the further fact that the petitioner does not have any criminal antecedents, it will serve no purpose in asking the petitioner to serve out the remaining sentence when he has already undergone sentence of more than a month. In that view of the matter, following order is passed:-

ORDER

- (i) Rule is made absolute;
- (ii) CRR No.2047 of 2017 is allowed;
- (iii) The impugned judgments and orders passed by both the courts below regarding conviction of the petitioner for offence punishable under Sections 174-A of IPC are confirmed;
- (iv) The impugned judgments and orders of both the courts below regarding sentence are set aside and modified to one which petitioner has already undergone, subject to payment of fine, if not already deposited;
- (v) Petitioner be released forthwith, if not required in any other case.

(A.B. CHAUDHARI)
JUDGE

May 30, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No