

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

**CRR No.2614 of 2017 (O&M)
Date of Decision: October 26, 2017**

Major Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Inderjeet Singh Brar, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The revision petition has been filed by the petitioner against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 28.04.2016 passed by learned Chief Judicial Magistrate, Bathinda, vide which the petitioner was convicted and sentenced to undergo rigorous 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 30 days under Section 304-A IPC and further to undergo rigorous imprisonment for a period of six months under Section 279 IPC and also challenging the judgment dated 31.05.2017 passed by learned Addl. Sessions Judge, Bathinda, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against

the petitioner in case FIR No.291 dated 20.04.2010. The brief facts of the

case as noted down in the judgment passed by learned CJM, Bathinda, are as under:-

“2. Briefly stated, the facts of the prosecution case are that on 20.4.2010, on receipt of one QST from DCR Bathinda regarding death of Baldev Kaur wife of Mithu Singh, resident of Gatwali due to an accident, ASI Jagraj Singh alongwith HC Iqbal Singh No.537 and PHG Des Raj No.10394 reached at Civil Hospital. There Gurdeep Singh son of Nihal Singh resident of Lakadwali met them and got recorded his statement that he is resident of above said address. He is Amritdhari Sikh and he is Granthi Sewadar at Gurudwara Sahib Village Khatrana. Today he alongwith his mother-in-law Baldev Kaur wife of Mithu Singh resident of Gatwali, P.S.Raman had come to Delhi Heart Center, Bathinda for taking medicine of his daughter Shehnaz on his scooter bearing No.HR-24C-7152. After checkup of his daughter, they were going back to their village on his scooter. He was driving the scooter. When they reached the statue of Hanuman after crossing the Hanuman Chowk, due to time off of MSD School, he stopped the scooter. It was at about 1.30 p.m., from the side of Goniana, one Truck bearing No.RJ-142G-0294, which was being driven in a rash and negligent manner in high speed, came and struck with his scooter, due to which his mother-in-law Baldev Kaur fell down on the right side and the tyre of truck rammed over the left shoulder of his mother-in-law. He lateron came to notice that truck was being driven by Major Singh son of Bikkar Singh, resident of Kotli, P.S.Kotbhai. After arranging the vehicle, he got admitted her at Civil Hospital, Bathinda and during treatment, his mother-in-law died. This accident has been occurred due to rash and negligent driving of driver of Truck. Action be taken.”

Learned CJM, Bathinda, after appreciating the evidence, convicted and sentenced the petitioner as stated above. Appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Bathinda, vide judgment dated 31.05.2017.

Aggrieved from the above-said judgments, present revision petitions have 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 first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2010.

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 28.04.2016 passed by learned CJM, Bathinda, 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, Bathinda, vide judgment dated 31.05.2017.

Keeping in view the facts and circumstances of the present case and the fact that petitioner is stated to be first offender, only bread earner of the family and is facing long protracted criminal proceedings since 2010 i.e. for the last about 07 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.

October 26, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No