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

**CRR-3306-2017 (O&M)
Date of Decision: 06.12.2017**

Satnam Singh @ Satpal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ravi Sodhi, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

SUDIP AHLUWALIA J. (ORAL)

Custody certificate of the petitioner placed on record.

[2]. Ld. Counsel for the petitioner submits that at this stage, he does not seek to challenge his client's conviction but prays for reduction in the sentence awarded in view of the fact that the petitioner has undergone the agony of trial over a period of six years, and has also undergone imprisonment in excess of six months till date when the victim's family has been adequately compensated by way of award of a compensation to the tune of ₹11 lacs.

[3]. Various co-ordinate Benches of this Court have in similar situations reduced the sentence of convicts in respect of the offence under Section 304-A of the IPC to that already undergone in view of the prolonged period of trial, the sentence undergone for a substantial period and the fact that essentially no mens rea but negligence is involved in the concerned offence. (See “*Krishan Vs. State of Haryana*” 2010(1) RCR

(Criminal) 779, “Madan Lal Vs. Union Territory Administration, Chandigarh” 1998(1) RCR (Criminal) 516, “Balwinder Singh Vs. State of Punjab” 2000(2) RCR (Criminal) 394, “Ashok Kumar Vs. State of Punjab” 2008(1) RCR (Criminal) 481, “Amin Chand Vs. The State of Punjab” 1994(1) RCR (Criminal) 51, “Mahavir Parshad Vs. State of Haryana” 1992(1) RCR (Criminal) 499, “Mohinder Singh Vs. The State of Punjab” 2011(22) RCR (Criminal) 848, “Gurmej Singh Vs. The State of Punjab” 1991(1) RCR (Criminal) 162, “Sher Singh Vs. The State of U.T. Chandigarh” 1985(1) CLR 11).

[4]. In “A.P. Raju Vs. State of Orissa” 1995(Sup2) SCC 385, in a similar situation the convict for the offence under Section 304-A of the IPC was ordered to be released on probation under Section 360 of the Cr.P.C. By the Apex Court.

[5]. This Court in “Gurdial Singh Vs. The State of Punjab” 1983 (1) RCR (Criminal) 121 and “Sadhu Ram Vs. State of Haryana” 1983(1) RCR (Criminal) 272, had adopted the same approach.

[6]. The case of the petitioner is squarely covered by the ratio of the aforesaid decision. He has already undergone sentence by way of imprisonment for a period of six months and ten days.

[7]. The present revision petition is, therefore, also disposed off with a direction that while sustaining the petitioner's conviction, the sentence awarded to him is reduced to that already undergone.

06.12.2017

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No