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

CRR-579-2017 [O&M]
Date of Decision:- August 18, 2017

Paramjit Singh Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

Mr. H.S.Grewal, Addl. AG, Punjab,
for the respondent State.

SHEKHER DHAWAN, J.

Present revision petition is against the judgment of conviction and order of sentence dated 06.04.2016 passed by Judicial Magistrate Ist Class, Patiala, whereby the revisionist was convicted and sentenced as under:-

Under Section	Sentence	In default
U/s 279 IPC	to undergo Simple Imprisonment for a period of six months and to pay a fine of ₹1000/-.	to further undergo Simple Imprisonment for a period of One month.
U/s 304-A IPC	to undergo Simple Imprisonment for a period of Two years and to pay a fine of ₹2000/-.	to further undergo Simple Imprisonment for a period of One month.

Both the sentences were ordered to run concurrently.

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2. The appeal filed by the revisionist was dismissed by Additional Sessions Judge, Patiala vide judgment dated 24.1.2017.

3. Facts relevant for the purpose of decision of the case; that on 29.4.2013, the petitioner was working as driver on the bus of Pepsu Road Transport Corporation (for short, "PRTC") and while driving bus No.PB-11Q-2119 he caused accident resulting into the death of Kulwinder Singh. The accident was seen by complainant, Amarjit Singh (PW-1) and he had reported the matter to the Police. Postmortem examination on the dead body of Kulwinder Singh was got done. Investigation was carried out and after completion of investigation, challan was presented in the Court.

4. Learned trial Judge completed the trial, including framing of charge against the accused, and recorded statements of complainant, Amarjit Singh (PW-1), Dr. Charak Sangwan (PW-2); Gurmit Singh (PW-3); ASI Jatinder Pal, (PW-4); HC Davinder Singh (PW-5); HC Gurjinder Singh (PW-6); Jasbir Singh, (PW-7); Sabar Ali (PW-8), Clerk office of PRTC Patiala Depot, Patiala; Nasib Chand (PW-9) and Rajinder Kumar, Head Constable (PW-10). Apart from that, the accused was examined under Section 313 Cr.P.C., and after considering the prosecution evidence and defence version, held the present revisionist guilty and convicted and sentenced him vide judgment dated 6.4.2016. Appeal preferred by the revisionist was dismissed by learned Sessions Judge vide judgment dated 24.1.2017 and as such the present revision petition before this Court.

5. At the time of arguments, learned counsel for the petitioner contended that both the Courts have not considered the facts and have

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misread the evidence. In fact, the accident was not seen by anybody and PW-1 Amarjit Singh was introduced as a witness later on.

6. Learned counsel for the petitioner further contended that as per statement of PW-1, the initial version was that he had not seen the accused person on the spot and subsequently, improved version by way of supplementary statement was recorded on the same day that he had seen the accused person while running away from the spot. If the complainant had actually seen the occurrence, he must have taken Kulwinder Singh to the hospital, however, as per his statement, he had not gone to the hospital, but had gone to the Police Station and the Court below has recorded the judgment of conviction mainly on the testimony of PW-1, Amarjit Singh. The petitioner has denied the prosecution case in his statement recorded under Section 313 Cr.P.C.

7. While arguing on these points, learned State counsel contended that both the Courts below have already scanned the entire evidence and rightly placed reliance upon the testimony of PW-1 and other prosecution witnesses. The accident was seen by PW-1 and he had deposed accordingly before the Court below and well stood by the test of cross-examination. Apart from that, the petitioner was deputed as driver of PRTC bus and this fact has been proved as per statement of PW-8, Sabar Ali and the duty roster, Ex. PW-8/B is on the file. There is nothing to disbelieve the testimony of PW-8 and the official record (Ex. PW-8/B) on this point and both the Courts below have rightly placed reliance upon the testimony of these witnesses. The present revision petition is without any

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merit and the same be dismissed.

8. Having considered the facts, material and evidence available on the file, this Court is of the view that both the Courts below have already scrutinized the statements of all the prosecution witnesses including PW-1, Amarjit Singh, complainant and eye-witness to the occurrence and PW-8, Sabar Ali, who has deposed on the basis of record. Testimony of these witnesses along with official record Ex.PW-8/B establish the guilt of the accused that the petitioner was driving the bus in question on the date of occurrence and caused the accident which resulted into death of Kulwinder Singh. The petitioner has been rightly held guilty by the Court below and the present revision petition against judgment of conviction is without any merit and the same stands dismissed.

9. As regard to the quantum of sentence, learned counsel for the petitioner contended that the petitioner is a public servant and he was working as driver on the bus of PRTC. He has already suffered much agony of law by facing trial for more than 5 years and he has young children to be looked after by him. Apart from that, the petitioner has already remained in custody for a period of over six months. So, his sentence be reduced to the period already undergone by him in this case.

10. Learned State counsel submitted that there is no ground for taking any lenient view on the point of quantum of sentence.

11. However, considering the facts in its entirety, this Court is certainly inclined to take a lenient view on the point of quantum of sentence and the substantive sentence awarded to the petitioner under

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Section 304-A IPC is reduced from Simple Imprisonment of 2 years to Simple Imprisonment for 1-1/2 (One and a half) years with no change in default stipulation.

12. Resultantly, the present revision petition qua order of sentence dated 6.4.2016 is partly allowed in the above terms. Learned trial Judge is directed to comply with this order forthwith under intimation to this Court.

August 18, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned	Yes
Reportable	Yes