

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 655 of 2017 (O&M)
Date of Decision: 11.05.2017

Darshan Singh ...Petitioner

VERSUS

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K. Gupta, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

Petitioner-Darshan Singh was convicted and sentenced by Judicial Magistrate, Ist Class, Moga for offences punishable under Sections 279 and 304-A of Indian Penal Code (for short 'IPC') as follows:-

<i>Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
279 IPC	RI for 3 months	₹200/-	SI for 15 days.
304-A IPC	RI for 1 year	₹500/-	SI for one month

2. Appeal filed by the petitioner was dismissed by Sessions Judge, Moga and the sentence awarded to him was maintained.
3. Learned counsel for petitioner has not challenged the conviction of petitioner for offences punishable under Sections 279 and 304-A IPC but has confined his submissions only for taking a lenient view regarding the quantum of sentence. He has argued that petitioner is about 77 years of age and is not a previous convict. Parents of the victim have been compensated by the Motor Accident Claims Tribunal. The petitioner has undergone more than six months of imprisonment by now and has suffered for the offence committed by him. He has requested for a lenient view regarding the quantum

4. Learned State counsel has submitted that police has verified the age of petitioner and his date of birth is 10.04.1941 as per which he is now 76 years of age. He has, however, opposed submissions of learned counsel for the petitioner seeking leniency in quantum of sentence awarded to the petitioner.

5. Perusal of custody certificate produced on record by learned State counsel shows that the petitioner has undergone 4 months and 17 days of imprisonment as on 25.03.2017 and by now he has undergone more than six months of imprisonment. There is nothing on file to suggest that he is a previous convict.

6. Keeping in view age and antecedents of petitioner, I find it to be a fit case for taking a lenient view regarding quantum of sentence awarded to the petitioner.

7. As a sequel of my above discussion, this revision petition is partly accepted. Conviction of petitioner for offence punishable under Section 279 and 304-A IPC is maintained. However, the sentence awarded to him for offence punishable under Section 304-A IPC is reduced from the rigorous imprisonment for one year to the period of imprisonment already undergone by him. The amount of fine is enhanced to ₹50,000/-. In default of payment of fine, the petitioner shall further undergo simple imprisonment for three months. The fine on realization be paid to parents of the victim.

8. Disposed of in above terms.

A copy of this order be sent to Superintendent, Sub Jail, Moga for information and necessary action.

May 11, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No