

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

**CRR No.874 of 2017 (O&M)
Date of Decision: June 01, 2017**

Avtar Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Neeraj Sharma, Advocate
for the petitioner.

Mr.K.S.Aulakh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Avtar Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 03.10.2013 passed by learned Judicial Magistrate Ist Class, Mohali, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months under Section 279 and 337 IPC each and to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of ten days under Section 304-A IPC and also challenging the judgment dated 20.09.2016 passed by learned Sessions Judge, SAS Nagar,

Mohali, vide which appeal filed by petitioner was dismissed. All the

sentences were ordered to run concurrently.

At the time of preliminary hearing, 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.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.353 dated 21.07.2006. The brief facts of the case as noted down in the judgment passed by learned JMIC, Mohali, are as under:-

“2. In brief, the case of the prosecution as per version of complainant is that he is a resident of H.No.484/A, Sector 61, Mohali and is working as Technical Engineer in Competent Call Center, C-157, Industrial Area, Phase 7, Mohali. Karanjit Singh son of Sukhdev Singh and Namesh Kumar were also working in the same center as Technical Engineers. On 20.7.06 at about 11.30 P.M. he was driving his car back home bearing no.PB-08AM-6313 and Sashi Bhushan was also sitting with him in the co-driver seat. Karanjit Singh son of Sukhdev Singh was going ahead of him on his motor-cycle bearing no.PB-08AU-0350 on which Namesh was riding pillion. At about 11.35 P.M when they reached near Amartex Chowk then a car bearing no.PB-11X-1125(T) coming from Balongi side in a rash and negligent manner without blowing horn, struck against the motor-cycle of Karanjit Singh. As a result of this collision, Karanjit Singh and Namesh Kumar fell down. Later on, the name of car driver was known as Avtar Singh son of Mohinder Singh. Complainant and his companion rushed Karanjit Singh and Namesh to PGI Chandigarh but on the way, Karanjit Singh died. This incident was also witnessed by Bhushan Singh who was sitting with him (complainant) in the car. The driver of the car fled away from the spot after leaving the offending vehicle at the spot. This incident took place due to rash and negligent driving of the Avtar Singh, driver of the car. Then ASI Gurnam Singh endorsed the said complaint with his endorsement of police proceedings for registration of FIR under sections 279/337/304 of IPC and sent the same through C.Talwinder

Singh. Then formal FIR under said offences was registered and investigation was initiated. Rough site plan of the place of occurrence was prepared. During investigation, the accused was arrested. The statement of witnesses were also recorded. The case property was taken into police possession. The personal search of the accused was conducted. All the formalities of investigation were completed. The challan was prepared and was presented before the court against the accused. ”

Learned JMIC, Mohali after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Sessions Judge, SAS Nagar, Mohali, vide judgment dated 20.09.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner contended that the petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2006.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be first offender, only bread earner of the family and facing long protracted criminal proceedings since 2006 i.e. for the last about 11 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of two years under Section 304-A IPC. However, other sentence, sentence of fine and in default thereof shall remain the same.

With the above-said modification in the sentence, the present

revision petition stands dismissed.

June 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No