

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

Criminal Revision 2334 of 2007

Date of Decision : December 17, 2018

Om Parkash

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

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

Mr. Vikrant Pamboo, Deputy A.G., Haryana.

T.P.S. MANN, J. (Oral)

The petitioner was tried for committing offences punishable under Sections 279, 337 and 338 IPC. Vide judgment and order dated 11/12.8.2006, learned Chief Judicial Magistrate, Panipat convicted him under Section 279 IPC and sentenced him to undergo rigorous imprisonment for three months. He was further convicted under Section 337 IPC and sentenced to undergo rigorous imprisonment for four months. He was also convicted under Section 338 IPC and sentenced to undergo rigorous imprisonment for six months. All the sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as it came to be dismissed on 8.12.2007. Still not satisfied, he filed the present revision, which was admitted on 12.2.2008.

According to the prosecution, on 22.11.2001, complainant Kaushalya Devi was drinking juice near a juice rehri at Bathak Chowk, Panipat. She and some other persons, who were standing there were hit by jeep bearing No.HR-06F-7269 driven by the petitioner. Accordingly, she, alongwith Sunehri and Mukesh suffered serious injuries.

Learned counsel for the petitioner has not challenged the conviction of the petitioner, as recorded by the learned Courts below. However, it is submitted that the petitioner is facing the agony of criminal prosecution for the last more than seventeen years. He is a first offender and sole bread winner of his family. He is on bail for the last about eleven years. There is no material on the record which could indicate that he has misused the concession in any manner. Out of the sentence of six months imposed upon him, he has already undergone a period of about 2½ months. Prayer has, accordingly, been made for taking a lenient view in the matter of sentence of imprisonment imposed upon him.

Learned State counsel has vehemently opposed the prayer and submitted that the sentence of imprisonment imposed upon the applicant is commensurate with the crime committed by him.

From the custody certificate produced by the learned State counsel, it is made out that the petitioner has undergone an actual period of two months and eleven days. He is not shown to be either involved or convicted in any other case.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining sentence of imprisonment.

Resultantly, the conviction of the petitioner under Sections 279, 337 and 338 IPC is upheld. However, his substantive sentence of imprisonment shall stand reduced to the one already undergone by him. However, for the offence under Section 338 IPC, the petitioner shall also pay an amount of Rs.1,000/- as fine and in default thereof, he shall undergo simple imprisonment for one month.

The revision is, accordingly, disposed of.

December 17, 2018
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(T.P.S. MANN)
JUDGE

Whether reasoned/speaking : YES / NO

Whether reportable : YES / NO