

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

CRR No.2504 of 2015 (O&M)
Decided on:- November 27, 2018.

Jahul.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Shiva Khurmi, Advocate for
Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana.

HARI PAL VERMA, J.

The petitioner has filed the present criminal revision against the judgment dated 06.07.2015 passed by learned Sessions Judge, Mewat whereby his appeal against the judgment of conviction dated 09.06.2014 and order of sentence dated 12.06.2014 passed by learned Judicial Magistrate 1st Class, Ferozepur Jhirka, was dismissed with modification in the order of sentence.

Briefly stated, FIR No.40 dated 06.02.2011 under Sections 279 and 304-A IPC was registered against the petitioner-accused at Police Station Punhana, District Mewat on the basis of statement made by injured-complainant Mohd. Sajid. As per the FIR, on 06.02.2011, the complainant was heading towards Nagina from Punhana in a jeep bearing registration

No.HR-39-6962 along with 20-25 passengers. The driver of the jeep started driving the vehicle in a rash and negligent manner and on reaching near village Nasirpuri, he suddenly applied brakes due to which the jeep turned turtle and the complainant got severe injuries on his person. The impact was of such a magnitude that 10-12 other persons also received injuries.

Investigation was conducted by the police. The petitioner was arrested and produced in the Court. Statements of witnesses were recorded and after completion of investigation, Challan was filed in the Court.

The copy of Challan as envisaged under Section 207 Cr.P.C. was supplied to the petitioner free of cost. Finding a prima facie case against the petitioner, he was charge-sheeted under Sections 279 and 304-A IPC vide order dated 15.12.2011 passed by the trial Court, to which he did not plead guilty and claimed trial.

After recording the evidence and hearing the parties, learned trial Court vide judgment dated 09.06.2014 convicted the petitioner for the commission of offence punishable under Section 279 IPC and acquitted him under Section 304-A IPC. Vide separate order dated 12.06.2014, learned trial Court sentenced him to undergo rigorous imprisonment for a period of four months and to pay compensation of Rs.20,000/- to the complainant within two months and in default thereof, to undergo further simple imprisonment for a period of one month.

Feeling aggrieved, the petitioner preferred an appeal against the aforesaid judgment of conviction and order of sentence before the Court of Session. However, vide judgment dated 07.07.2015, appeal of the petitioner-

accused against conviction was dismissed by learned Sessions Judge, Mewat, however, with modification in the order of sentence to the following effect:

“Accordingly, on modification, the accused is sentenced to undergo rigorous imprisonment for a period of one month for commission of offence under Section 279 IPC and findings directing the accused to pay compensation of Rs.20,000/- to the complainant are reversed and set aside and appeal stands disposed of accordingly.”

It is in the aforesaid circumstances, the petitioner has filed the present criminal revision.

At the outset, learned counsel for the petitioner has not challenged the conviction of the petitioner, but restricted his arguments on the point of quantum of sentence awarded to the petitioner.

He has argued that as against the awarded sentence of one month, the petitioner has already undergone imprisonment for a period of 11 days. He has contended that the petitioner is a poor person and is the only bread earner of his family. He has been suffering the agony of criminal proceedings since 06.02.2011 i.e. the date of registration of the FIR in question.

He has further contended that the petitioner is a first time offender and there is no other case pending against him. Thus, he has prayed that the sentence of the petitioner may be reduced to the period already undergone by him.

On the other hand, learned State counsel has not disputed the custody of the petitioner, but has opposed the plea of taking a liberal view, as

pleaded by learned counsel for the petitioner. However, he states that there is no other case against the petitioner.

I have heard learned counsel for the parties.

Perusal of the impugned judgments passed by the Courts below shows that the trial Court has rightly appreciated the evidence on record while holding the petitioner guilty for commission of offence under Section 279 I.P.C. The appellate Court has also dismissed his appeal. There is no illegality or perversity in the findings given by both the Courts below regarding conviction of the petitioner under Section 279 I.P.C., which may warrant interference of this Court by invoking its revisional jurisdiction. Even otherwise, learned counsel for the petitioner has not assailed the judgments of conviction and has, rather, restricted his arguments qua the quantum of sentence only. The conviction of the petitioner is, therefore, affirmed.

So far as the issue on quantum of sentence is concerned, the custody certificate already placed on record by learned State counsel shows that as against the awarded sentence of one month by learned appellate Court, the petitioner has already undergone actual imprisonment for a period of 11 days. He is a first time offender and there is no other case pending against him. He has been facing the agony of criminal proceedings since 06.02.2011 i.e. the date when the FIR in question was registered against him.

Therefore, taking into account the protracted trial, antecedents of the petitioner coupled with the fact that as against the awarded sentence of one month under Section 279 IPC, he has already suffered incarceration for a period of 11 days, this Court feels that the ends of justice would be met, if the

sentence awarded to the petitioner is reduced to the period already undergone by him.

Ordered accordingly.

With aforesaid modification in the order of sentence, the present revision petition stands dismissed.

November 27, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No