

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

CRR No.3696 of 2014.

Decided on:- October 03, 2018.

Angrej Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Mohan Lal Singla, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

HARI PAL VERMA, J.

The petitioner has filed the present criminal revision against the judgment dated 18.04.2014 passed by learned Sessions Judge, Kaithal whereby his appeal against the judgment of conviction dated 18.03.2013 and order of sentence dated 19.03.2013 passed by learned Chief Judicial Magistrate, Kaithal, was dismissed.

Briefly stated, FIR No.118 dated 20.11.2007 under Sections 279, 337, 338 and 304-A IPC was registered against the petitioner-accused at Police Station Dhand, District Kaithal on the basis of statement made by injured-complainant Naresh Kumar. As per the FIR, on 19.11.2007, complainant Naresh Kumar along with Rajender had gone to grain market, Dhand to meet his friend Parveen on his motorcycle make Splendor Plus.

Thereafter, complainant Naresh Kumar, Rajender and Parveen Kumar left for village Kaul. The motorcycle was being driven by Rajender, whereas the complainant and Parveen Kumar were sitting as pillion riders. At about 08.15 P.M., when they reached near village Chandlana, a canter bearing registration No.HR-38-BG-4590 being driven at a high speed and in rash and negligent manner came from the front side and collided with their motorcycle from the left side. As a result thereof, Rajender and Parveen Kumar sustained a number of injuries on their person, whereas complainant Naresh Kumar suffered some minor injuries. On asking, the driver of canter disclosed his name as Angrej son of Jagat Ram, resident of Jyotisar, District Kurukshetra. In the meantime, police reached there and shifted them to the hospital. However, injured Rajender succumbed to his injuries, whereas injured Parveen Kumar was referred to PGIMER, Chandigarh for treatment.

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.PC was supplied to the petitioner free of cost. Finding a prima facie case against the petitioner, he was charge-sheeted under Sections 279, 337, 338 and 304-A IPC vide order dated 04.04.2008 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 18.03.2013 convicted the petitioner for the commission of offence punishable under Sections 279, 337, 338 and 304-A

IPC and vide separate order dated 19.03.2013 sentenced him to undergo imprisonment as under:

<u>Offence</u>	<u>Sentence</u>
279 IPC	Rigorous imprisonment for a period of two months and to pay a fine of Rs.200/- and in default thereof, to further undergo simple imprisonment for a period of one week.
337 IPC	Rigorous imprisonment for a period of three months and to pay a fine of Rs.300/- and in default thereof, to further undergo simple imprisonment for a period of fifteen days.
338 IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- and in default thereof, to further undergo simple imprisonment for a period of one month.
304-A IPC	Rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- and in default thereof, to further undergo simple imprisonment for a period of two months.

It was, however, ordered that all the aforementioned sentences shall run concurrently.

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 18.04.2014, learned Sessions Judge, Kaithal dismissed the said appeal.

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 2 years, the petitioner has already undergone imprisonment for a period of more than 1 year and 6 months including remission. 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 20.11.2007 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 Sections 279, 337, 338 and 304-A IPC. 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 Sections 279, 337, 338 and 304-A IPC, 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 2 years, the petitioner has already undergone actual imprisonment for a period of 1 year and 25 days. Besides this, he has earned remission for a period of 6 months and in this manner, he has already undergone total imprisonment for a period of 1 year 6 months and 25 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 20.11.2007 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 he has already suffered incarceration for a period of 1 year 6 months and 25 days including remission, 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.

However, there will be no change in the sentence of fine awarded to the petitioner.

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

October 03, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No