

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2551-2017 (O&M)
Decided on: 21.03.2018

Sunesh Dutt

Versus

.... Petitioner

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Randeep Singh, Advocate, for
Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J (ORAL)

Accused Sunesh Dutt faced trial by Judicial Magistrate 1st Class, Gurdaspur for offences under Sections 279, 304-A, 337, 338, 427 of the Indian Penal Code on the allegations that on 06.03.2010 at about 8.45 a.m. in the area of village Suchetgarh, he drove a car bearing registration No. JK-02A-2096 on a public way in a rash and negligent manner so as to endanger human life and personal safety of others and by striking against the motorcycle bearing registration No. PB-58-G-2140 driven by Joginder Singh with Daljit Kaur as pillion rider caused injuries to both of them and Joginder Singh had scummed to the injuries, whereas Daljit Kaur had suffered simple and grievous hurt and in addition to that had caused damage to the motorcycle. He was convicted for offences under Sections 279, 304A, 337 and 338 IPC and sentenced as follows:-

under Sections 279 & 337 IPC :	to undergo rigorous imprisonment for six months and fine of Rs.100/- and in default of payment of fine, to further undergo rigorous imprisonment for one month.
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under Sections 304-A, 338 IPC :	to undergo rigorous imprisonment for two years fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for one month.
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All the sentences were ordered to run concurrently, whereas he was acquitted of the charge for an offence under Section 427 IPC.

Feeling aggrieved, he had preferred an appeal to the Court of Sessions, which was assigned to learned Additional Sessions Judge, Gurdaspur, who vide judgment dated 25.04.2017, dismissed the appeal. The accused-convict was taken into custody and sent to jail to undergo the sentence awarded to him.

Accused-convict then approached this Court by way of filing revision petition, notice of which was given to the respondents.

I have heard learned counsel for the Revisionist-convict and learned State counsel besides going through the record.

At the very outset, learned counsel for the Revisionist states that he does not challenge the impugned judgments passed by the Courts below on the point of conviction, but wants to make certain submissions with regard to sentence part. He has contended that the petitioner has undergone more than one year of sentence and he is not a previous convict, therefore, leniency be shown to him.

Accused is not shown to have any earlier criminal record. Furthermore, it does not come out that he has indulged in any criminal activity after being convicted in this case. Therefore, I am of the view that ends of justice shall be adequately met if sentence of accused is reduced to one already undergone by him while in custody in this case. As per custody certificate filed

by the State counsel comes out to 1 year, 1 month and 6 days. The fine part is said to have been paid.

As such, the criminal revision petition challenging the impugned judgment stands disposed of with the above modification in the sentence. The Revisionist – Sunesh Dutt, who is stated to be in custody is ordered to be released forthwith, if his custody is not required in connection with any other case.

Necessary intimation be sent to the quarter concerned.

21.03.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No