

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-2653-2017  
Decided on: 02.05.2018

Narinder Kumar  
Versus  
.... Petitioner

State of Punjab  
..... Respondent

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

Present: Mr. Shobit Phutela, Advocate  
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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H.S. MADAAN, J (ORAL)

Accused Narinder Kumar was tried by Sub Divisional Judicial Magistrate, Sunam for offences under Sections 279 and 304-A IPC on the allegations that on 24.09.2011, he was author of the accident by a rash and negligent driving of oil tanker bearing registration No.PB-10X-9998 on a public way at about 12.30 p.m. in the area of Samad Shri Amar Singh Lehal, outside village Sibia and by his such wrongful driving caused Dilraj Singh not amounting to culpable homicide besides causing injuries to Sonu. Vide order dated 23.02.2015, he was convicted and sentenced as follows:-

|                           |                                                                                                                                                                                                   |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Under Section 279 IPC :   | To undergo rigorous imprisonment for a period of six months.                                                                                                                                      |
| Under Section 304-A IPC : | To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months. |

Both the sentences were ordered to run concurrently.

The accused-convict had preferred an appeal challenging the impugned judgment of his conviction and sentence before Court of Sessions. However, his appeal was dismissed vide order dated 04.05.2017. As such, he has knocked the door of this Court by way of filing the present revision petition, notice of which was given to the State.

I have heard learned counsel for the revisionist and learned State counsel besides going through the record.

At the very beginning, learned counsel for the revisionist states that he does not challenge the impugned judgments passed by the Courts below as regards the conviction, however, he has got submissions to make plea on the point of sentence. According to him, the petitioner is of young age of about 33 years, he is married and has got 2 minor children, he is sole bread earner of his family and his financial condition is not sound. He is behind the bars for more than two months, he does not have any past criminal record, therefore, leniency be shown to him regarding the sentence.

As per the custody certificate filed by the State counsel, the petitioner has already undergone total sentence of 1 year, 2 months and 22 days, out of substantive sentence of 2 years awarded to him. He is not shown to be involved in any other criminal case.

Considering the facts and circumstances of the case in hand and submissions made by learned counsel for revisionist, I am of the view that ends of justice shall be adequately met if while upholding the impugned judgments as regards the conviction of accused for offences under Sections 279 and 304-A IPC, the sentence is reduced to one which has already been undergone by him in this case. However, the sentence regarding the fine part is kept as intact.

As such the revision petition challenging the impugned judgment stands disposed of with the above modification in the sentence. The petitioner – Narinder Kumar, who is stated to be in custody is ordered to be released forthwith on payment of fine, if his custody is not required in connection with any other case.

Necessary intimation be sent to the quarter concerned.

02.05.2018  
Dinesh

(H.S. MADAAN )  
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No