

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2771-2017 (O&M)
Decided on: 04.05.2018

Charan Singh
Versus
.... Petitioner

State of Punjab
..... Respondent

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

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

H.S. MADAAN, J (ORAL)

Accused Charan Singh was tried by Judicial Magistrate 1st Class, Sunam for offences under Sections 279, 337, 304-A and 338 IPC on the allegations that on 13.02.2012 at about 11:45 a.m., he was author of the accident by rash and negligent driving of Scorpio car bearing No. HR-39-A-9494 on a public way in the area of bus stand Kakuwala, he caused death of Devinder Singh not amounting to culpable homicide whereas causing grievous hurt to Satguru Singh and besides hurt to Sarabjit Kaur and Parminder Kaur. The trial resulted in his conviction and vide judgment dated 29.01.2016, he was sentenced for the following offences:-

Under Sections 279, 337 & 338 IPC :	To undergo rigorous imprisonment for six months and to pay a fine of Rs. 500/- and in default of payment of fine, to undergo further rigorous imprisonment for one month.
Under Section 304-A IPC :	To undergo rigorous imprisonment for two years and to pay a fine of Rs. 1500/- and in default of payment of fine, to undergo further rigorous imprisonment for one month.

All the sentences were ordered to run concurrently.

The accused-convict had preferred an appeal against the impugned judgment of his conviction and sentence, however, the same was dismissed by learned Additional Sessions Judge-I, Sangrur vide judgment dated 11.07.2017.

Thereafter, he has approached this Court by way of filing 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.

On 14.11.2017, learned counsel appearing for the revisionist-convict had stated that he does not press the revision on merits so far as the conviction of petitioner is concerned, but would address his arguments for leniency in quantum of sentence awarded to the petitioner. In that way, the judgments passed by the Courts below are upheld as regards the conviction of the revisionist-accused for offences under Sections 279, 337, 304-A and 338 IPC. Regarding the sentence part, learned counsel for revisionist has contended that the petitioner is a poor person, a first offender, he is married, he is the only source of financial support of his family and he has already undergone more than one year of imprisonment in this case, therefore, a lenient view be taken.

As per custody certificate filed by the State counsel, the revisionist-accused has undergone total sentence of one year and 20 days, out of substantive sentence of 2 years. He is not shown to be involved in any other criminal case.

Keeping in view the facts and circumstances of the case and the circumstances explained by the counsel for revisionist, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the petitioner-accused, his sentence of two years imprisonment is reduced to one already undergone by him in this case. While maintaining the fine part, it is ordered accordingly.

As such the revision petition challenging the impugned judgment stands disposed of with the above modification in the sentence. The petitioner – Charan Singh, 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.

04.05.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No