

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3515-2017 (O&M)
Decided on: 09.05.2018

Mangal Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Krishan Kumar Thakur, Advocate,
for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab

H.S. MADAAN, J (ORAL)

CRM-31071-2017

The revision petition has been filed belatedly by 20 days and an application under Section 5 of the Limitation Act for condonation of delay has been filed for the reason that applicant-petitioner being a poor person, could not arrange funds for filing the revision petition, as he has been in custody, it was one of the relatives of the applicant-petitioner who had engaged a counsel and then got the revision petition filed. I find sufficient reasons to accept the application and condone the delay.

Therefore, application is accepted and delay in filing of the revision petition stands condoned.

CRR-3515-2017

Accused Mangal Singh was tried by Judicial Magistrate 1st Class, Ferozepur for the charge for offences under Sections 279 and 304-A of Indian Penal Code (for short 'IPC') on the allegations that on 21.02.2012 at about 8/8:15 p.m., he was author of the accident by rash and negligent driving of motor cycle

make Passion Plus Hero Honda having registration No.PB-05J-3957 on a public way in the area of within the jurisdiction of Police Station Mamdot driving the motor cycle in a manner so rash and negligent, so as to endanger human life and personal safety of others and by his such wrongful driving caused death of Sajinder Singh not amounting to culpable homicide. The trial ended in conviction of the accused for said offences and vide order dated 17.01.2017 he was sentenced as follows:-

Under Section 279 IPC :	To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- and in default of payment of fine, to undergo further imprisonment for a period of one month.
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 undergo further imprisonment for a period of six months.

Both the sentences were ordered to run concurrently.

The accused-convict had preferred an appeal challenging the impugned judgment of his conviction and order of sentence before Court of Sessions. However, his appeal was dismissed vide order dated 06.06.2017. As such, he has approached 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 outset, learned counsel for the revisionist states that he does not challenge the impugned judgments passed by the Courts below as regards the conviction of the petitioner-accused for offences under Section 279 and 304-A, but wants to put forward submissions with regard to the sentence part.

According to him, the petitioner has undergone one year of imprisonment, out of substantive imprisonment of one and a half years, he is a poor person, a first offender and only earning member in the family, both he and his wife are polio effected, therefore, a lenient view in the matter be taken.

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

Keeping in view the 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 maintaining the conviction of the accused-petitioner for offences under Section 279 and 304-A, the sentence awarded to him is reduced to one already undergone by him in this case, while maintaining the fine part. It is stated that fine has already been paid.

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

Necessary intimation be sent to the quarter concerned.

09.05.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No