

In the High Court of Punjab and Haryana at Chandigarh

CRR No. 3689 of 2017 (O&M)

Date of Decision:- 6.7.2018

Harpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

GURVINDER SINGH GILL J. (Oral)

CRM-32339-2017

Notice had been issued but no reply has been filed.

There is delay of 152 days in filing the revision petition. The grounds taken therein for condonation of delay are that the petitioner is an indigent person hailing from a rural background and totally unaware about the technicalities of the provisions of law.

The present revision petition has been filed by a counsel engaged through free legal aid.

In view of the reasons mentioned in the application, the same is allowed and delay of 152 days in filing the revision petition is hereby condoned.

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The learned counsel for the petitioner restricts his submissions to the quantum of sentence only, as has also been recorded in order dated

9.10.2017. The learned counsel submits that the present case is a case of contributory negligence inasmuch as the petitioner who was going on a scooter had hit against the deceased who was crossing the road right from the middle which infact happens to be G.T. Road.

The learned State counsel has today filed custody certificate, as per which the petitioner has undergone an actual sentence of 1 year 7 months and 8 days out of the imposed sentence of 2 years. The petitioner has also earned remission to the extent of 3 months and by adding the said remission, the total sentence undergone works out to 1 year 10 months and 8 days. The petitioner is not stated to be a previous convict.

Having regard to the facts and circumstances of the case, the impugned order is modified as regards sentence and the sentence imposed upon the petitioner is reduced to the one already undergone. However, the fine shall remain unaltered.

The petition stands accepted in the above mentioned terms with the aforesaid modification.

6.7.2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No