

CRR-3828-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3828-2017
Date of Decision: 12th February, 2018

Rinku Pathania

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This revision petition has been filed by the petitioner against the judgment dated 02.08.2017 passed by the learned Additional Sessions Judge, Gurdaspur, affirming the judgment of conviction and order of sentence passed by the Judicial Magistrate First Class, Batala, dated 10.06.2014, whereby, the petitioner was convicted as under:-

Sr. No.	Sections	Sentence
1	304-A IPC	Rigorous imprisonment for two years and a fine of Rs.5,000/-, in default, to further under rigorous imprisonment for one month.
2	279 IPC	Rigorous imprisonment for six months

Both the sentences were ordered to run concurrently.

When the case came up for initial hearing before this Court on 23.10.2017, this Court had issued notice of motion only on the quantum of sentence as the counsel for the petitioner had stated that he does not press

the revision petition on merits.

Custody certificate of the petitioner has been filed in Court, which indicates that apart from the present FIR, in which he has been convicted and sentenced, there is no other criminal case registered or pending against him.

Counsel for the petitioner contends that keeping in view the fact that the petitioner is the sole bread winner and 37 years of age with a family of three minor children and wife along with aged parents, the sentence which has been imposed by the Courts below is on the higher side. He, therefore, states that because of the sentences imposed upon the petitioner and he being in custody, the whole family is suffering. He, therefore, prays for a lenient view to be taken by this Court with regard to sentences.

Having considered the submissions made by the counsel for the petitioner as also the facts and circumstances of the present case, the present revision petition which has been preferred by the petitioner having been limited to the extent of quantum of sentence has been considered. In the totality of the assertions of the counsel for the petitioner and keeping in view the fact that the petitioner is a young person with a family to support and also the fact that he has already undergone a total sentence of 6 months and 8 days, this Court upholds the conviction of the petitioner, but is inclined to reduce the sentence and thus, the sentence of the petitioner under Sections 304-A and 279 of the Indian Penal Code is reduced to 9 months (actual) from 2 years, with compensation under Section 357 of the

CRR-3828-2017

Code of Criminal Procedure to the extent of ₹ 50,000/- to be paid to the legal representatives of deceased Sunny Kumar. However, the sentence of fine shall remain intact. The amount of compensation be deposited by the petitioner prior to his release in the Court of Chief Judicial Magistrate, Gurdaspur, who shall release the same to the legal representatives of victim/deceased Sunny Kumar after proper identification.

The present revision petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

12th February, 2018
Harish

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