

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-3869-2017(O&M)

Date of decision:-3.4.2018

Mohammad Jasim

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Satbir Rathore, Advocate
for the petitioner.

Mr.Sulinder Kumar, AAG, Haryana.

H.S. MADAAN, J.

This revision petition is directed against the judgment dated 18.9.2017 passed by learned Additional Sessions Judge, Bhiwani vide which the judgment of conviction dated 3.6.2015 and order of sentence dated 6.6.2015 passed by learned Sub Divisional Judicial Magistrate, Siwani convicting accused Mohammad Jasim for the offences under Sections 279 and 304-A IPC and sentencing him for those offences were upheld, whereas the appeal filed by accused-convict was dismissed.

The accused-convict – Mohammad Jasim, who is petitioner before this Court prays that this revision petition be accepted, the impugned judgment of his conviction and order of sentence passed by Sub Divisional Judicial Magistrate, Siwani and judgment in appeal by

learned Additional Sessions Judge, Bhiwani be set aside and he be acquitted of the charge framed against him.

Briefly stated, the allegations against the accused/petitioner are that on 17.7.2013 in the area of Gainsdawas turn, 5 kms. ahead of Siwani, he drove truck bearing registration No.HR37-C/0837 on a public way in a manner so rash and negligent so as to endanger human life and personal safety of others and by his such wrongful driving while coming from opposite side hit Chevrolet Stock car bearing registration No.RJ-14CF-5442, resultantly, Harish suffered multiple injuries and when taken to General Hospital, Siwani was declared dead. The accused had been arrested in this case and the trial ended in his conviction for the offences under Sections 279 and 304-A IPC vide judgment dated 3.6.2015 and vide order dated 6.6.2015, he was sentenced to undergo rigorous imprisonment for a period of four months for the offence under Section 279 IPC and he was further sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default thereof, to further undergo simple imprisonment for fifteen days for the offence under Section 304-A IPC, both the sentences were ordered to run concurrently.

The appeal preferred against the judgment of conviction and order of sentence passed by the Sub Divisional Judicial Magistrate, Siwani was also decided against the accused by learned Additional Sessions Judge, Bhiwani, which left petitioner – accused Mohammad Jasim aggrieved and he has filed the present revision petition.

I have heard learned counsel for the petitioner-accused-convict and learned Assistant Advocate General for the State of Haryana besides going through the record.

At the very outset, learned counsel for the petitioner states that he does not challenge the impugned judgments on the point of conviction but his prayer is only regarding sentence part. He has stated that petitioner is a first offender and in addition to that his family is dependent upon him for financial support.

As per the custody certificate, the accused is not shown to be involved in any other criminal case earlier to the FIR in question and subsequent thereto and out of one year of substantive sentence imposed upon him, he is shown to have undergone total sentence of seven months and 16 days.

The judgments of conviction passed by the Courts below are well reasoned ones, based upon proper appraisal and appreciation of evidence and correct interpretation of law. There is no illegality or infirmity therein.

I find that ends of justice would be squarely met if the petitioner is sentenced to imprisonment already undergone by him, while in custody in the present case. Therefore, the impugned judgments are upheld as regards conviction part qua the petitioner.

However, as far sentence part is concerned, the same is modified and the petitioner is sentenced to imprisonment already undergone by him as mentioned supra. The fine is stated to have already been paid.

As such the revision petition challenging the impugned judgments stand disposed of with above modification in sentence.

The petitioner – Mohammad Jasim, who is stated to be in custody is ordered to be released forthwith, if not required in any other

case.

Necessary intimation be sent to the quarter concerned.

3.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No