

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

**Criminal Revision No.2272 of 2018 (O&M)
Date of Decision: September 11, 2018**

Gurmeet Singh

.....PETITIONER(s).

VERSUS

State of UT Chandigarh

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S. Dhillon, Advocate
for the petitioner (s).

Mr. Manish Jain, Addl.PP for UT Chandigarh.

SURINDER GUPTA, J.

The present revision petition has been filed against the judgment dated 24.05.2018 passed by learned Additional Sessions Judge, Chandigarh dismissing the appeal filed by the present petitioner-convict against the judgment of conviction and order of sentence both dated 10.08.2016 passed by learned Addl. Chief Judicial Magistrate, Chandigarh.

Case of the prosecution, in brief, is that on 05.07.2011 at about 6.45 p.m., complainant Satish Kumar was going to his house on scooter bearing registration No.CH-01Q-4887. When he reached near House No.3001, Sector 27-D, Chandigarh, a Maruti Swift car bearing registration No.HR-01W-0700 driven by the petitioner in a rash and negligent manner at high speed, hit the scooter of complainant, who fell on the road. The car dragged the scooter to some distance. The petitioner after the accident tried to fled away but was apprehended by PCR vehicle and people, who gathered

there. The complainant suffered grievous injuries in the accident. Learned trial Court on appraisal of evidence, convicted the petitioner for the offences punishable under Sections 279 and 338 of Indian Penal Code(for short-IPC) and sentenced him as follows:-

Sr. No.	Under Section	Sentence.
1	279 IPC	Rigorous imprisonment for a period of Six months and to pay fine of Rs.1000/- and in default of payment of fine, to further undergo RI for a period of one month.
2	338 IPC	Rigorous imprisonment for a period of one year and to pay fine of Rs.1000/- and in default of payment of fine, to further undergo RI for a period of one month.

Appeal filed by the petitioner was also dismissed.

Learned counsel for the petitioner submits that he does not press the revision petition so far as the conviction of petitioner is concerned and requests for leniency on the quantum of sentence. He has argued that petitioner is not a previous convict. He is young man in his 30s. The accident had taken place all of a sudden and petitioner has already undergone actual sentence of three months 24 days and total sentence of 4 months 9 days including remissions. Complainant has been duly compensated in the claim petition. Keeping in view the age and antecedents of the petitioner, his sentence be reduced to the period of imprisonment already undergone by him.

Learned State counsel has argued that the complainant had suffered fracture of his knee and lower part of his left leg in the accident and remained on bed for quite long period. The sentence awarded to the petitioner commensurate with the nature of offence committed by him, as

such, call for no interference.

On giving a careful thought to the submissions of learned counsel for the petitioner and learned State counsel, I find that petitioner is a young boy without any of adverse antecedents. After the accident, he was apprehended at the spot. Custody certificate produced on file shows that petitioner has undergone about 4 months 9 days of sentence, which include 15 days' period of remissions.

Keeping in view the nature of offence, age and antecedents of the petitioner, I am of the considered opinion that awarding sentence of rigorous imprisonment for 6 months for offence punishable under Section 338 IPC will serves the ends of justice. Consequently, this petition is partly allowed. Upholding the judgment of conviction as passed by learned trial Court and as affirmed by learned appellate Court, the order of sentence is modified to the extent that the sentence awarded to the petitioner for the offence punishable under Section 338 is reduced from rigorous imprisonment for one year to rigorous imprisonment for six months. The sentence awarded to the petitioner for the offence punishable under Section 279 IPC and sentence of fine is, however, maintained.

September 11, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***