

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

CRR No.410 of 2018 (O&M)
Decided on: 07.08.2018

Saranjeet Singh

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Nirmal Singh, Advocate
 for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present revision petition against the judgment dated 02.01.2018 passed by learned Additional Sessions Judge, Kurukshetra, whereby his appeal against the judgment of conviction and order of sentence dated 17.02.2017 passed by Judicial Magistrate Ist Class, Kurukshetra, was dismissed.

Briefly stated, FIR No.161 dated 28.08.2014 under Sections 279, 337, 338 IPC was registered against the petitioner-accused at Police Station Ladwa, District Kurukshetra with the allegations that injured-complainant Shiv Kumar got recorded his statement to the effect that on 08.08.2014 at 10.30 a.m., when he was coming from his sister's house at Village Raiyatkhana towards Ladwa, on his motorcycle and reached near Barachpur Colony, suddenly a speeding motorcycle bearing registration No.HR07U-

6064 (Hero Honda Splendor), which was being driven in a rash and negligent manner, rammed into his motorcycle. As a result of the collision, the complainant fell down on the road and received injuries on his left leg. The thumb of his left foot got fractured. In the meantime, his cousin reached the spot. On seeing him, the accused fled away from the spot. His cousin took the complainant to CHC Ladwa, from where he was referred to LNJP Hospital, Kurukshetra, where the thumb of his left foot was got operated upon and the same was removed by the doctors. Accordingly, a criminal case under Sections 279/337/338 IPC was registered.

During investigations, statements of the witnesses were recorded under Section 161 CrPC, site plan of the scene of occurrence was prepared and the petitioner-accused was arrested. After completion of investigation, challan was presented against the petitioner-accused in Court. Copy of the challan was supplied to the accused free of cost and he was charge-sheeted accordingly vide order dated 04.02.2015, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Ram Pal as PW-1, HC Laxman Singh, Investigating Officer as PW-2, EHC, Harkesh Kumar as PW-3, Mahender Mechanic as PW-4, Dr. Lajja Ram as PW-5, Shiv Kumar, complainant as PW-6, Dr. Sanjay Kumar as PW-7 and Krishan Lal as PW-8. PWs SI Gian Chand and SHO Narender Kumar were given up by the State.

Statement of the accused under Section 313 CrPC was recorded, in which, he pleaded his innocence and stated that he has been falsely

implicated in the present case. However, the accused did not lead any evidence in his defence.

The trial Court vide judgment and order dated 17.02.2017 held the petitioner guilty for the commission of offence punishable under Sections 279, 337 and 338 and sentenced him as under:-

Sr. No.	Under Section	Sentence & Fine
1.	279 IPC	To undergo simple imprisonment of four months.
2.	337 IPC	To undergo simple imprisonment of four months.
3.	338 IPC	To undergo simple imprisonment of six months.

All the sentences were ordered to run concurrently.

Feeling aggrieved, the petitioner has preferred the present appeal against the aforesaid judgment and order of sentence before the Court of Session. However, vide judgment dated 02.01.2018 passed by learned Additional Sessions Judge, Kurukshetra, the appeal of the petitioner was dismissed.

It is in the aforesaid circumstances, the petitioner has filed the present revision petition.

At the outset, learned counsel for the petitioner has not challenged the conviction of the petitioner and confined his submissions only for a lenient view regarding quantum of sentence. He has submitted that as against the awarded sentence of six months, the petitioner has already

undergone imprisonment for a period of 1 month and 7 days. Moreover, the petitioner is a first time offender and there is no other criminal case pending against him. He is a poor labourer and the sole bread earner of his family. Learned counsel has further submitted that the Motor Accident Claims Tribunal has also awarded compensation for an amount of Rs.50,000/- to the complainant. Thus, he has prayed that the sentence of the petitioner may be reduced to the period already undergone by him.

Learned State counsel has filed the custody certificate of the petitioner in Court and has not disputed the custody of the petitioner and the fact that there is no other case against him, but has opposed the plea of taking a liberal view, as pleaded by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Perusal of the impugned judgments passed by the Courts below shows that the trial Court has rightly appreciated the evidence on record while holding the petitioner guilty for commission of offence under Sections 279, 337 and 338 IPC and the appellate Court has also rightly dismissed his appeal. There is no illegality or perversity in the findings recorded by both the Courts below which may warrant interference of this Court by invoking revisional jurisdiction. Even otherwise, learned counsel for the petitioner has not assailed the judgments of conviction on merits and has, rather, restricted his arguments *qua* the quantum of sentence only. The conviction of the petitioner is, therefore, affirmed.

So far as the issue on quantum of sentence is concerned, admittedly, as against the awarded sentence of six months, the petitioner has already undergone imprisonment for a period of 1 month and 7 days. He is

first time offender and there is no other case pending against him. He has been facing the agony of criminal proceedings since 28.08.2014 i.e. the date when the FIR in question was registered against him. Moreover, the Motor Accident Claims Tribunal has also awarded compensation for an amount of Rs.50,000/- to the complainant, which amount has duly been disbursed to the complainant on 25.03.2016. Therefore, taking into account the protracted trial, antecedents of the petitioner, coupled with the fact that he has already suffered incarceration for a period of four years, this Court feels that the ends of justice would be met, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

Accordingly, sentence of petitioner Saranjeet Singh is reduced to the period already undergone by him

With aforesaid modification in the order of sentence, the present revision petition stands dismissed.

August 07, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No