

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.273 of 2019 (O&M)

Date of decision: 12.04.2019

Davinderjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

This revision petition has been filed against the judgment of conviction and order of sentence in FIR No.47 dated 23.03.2016 under Sections 279, 337 of the Indian Penal Code for a period of six months passed by the trial Court affirmed in appeal by the learned Additional Sessions Judge, Rupnagar.

The case set up by the prosecution is that on 23.03.2016, information was received by the Police regarding a road side accident. ASI Jasmer Singh along with police party went to the spot where Lalit Kumar-complainant met the police party and got his statement recorded. He stated that he was running a shop of mechanic near Kurali road, Rupnagar and on that day, he along with his friend Jagtar Singh were coming from Chandigarh to Rupnagar in his Balero Jeep bearing registration No.PB12-K-3088, at about 4.30 PM, when they reached near Nirankari Bhawan,

Rupnagar and were just behind the divider of the road, then one truck with trailer (long truck) came on high speed from opposite side. A tractor trolley was coming ahead of the said truck-trailer being driven by the petitioner and the petitioner tried to overtake the tractor trolley and while doing so, it lost balance and struck against tractor trolley which toppled and thereafter, hit jeep being driven by the complainant. The passengers of tractor trolley received injuries. The petitioner fled from the spot after leaving behind his trailer. After registration of the FIR and completion of the investigation, the challan was presented and the statement of the petitioner under Section 313, Cr.P.C. was recorded confronting him with all incriminating evidence. Learned trial Court as noticed above vide judgment dated 11.07.2018 convicted the petitioner under Sections 279, 337 of IPC and sentenced him to undergo rigorous imprisonment for a period of six months. As noted above, the appeal against the aforesaid judgment was dismissed.

On 04.02.2019, learned counsel for the petitioner confined his prayer for reduction of quantum of sentence. It has been asserted that the petitioner is first time offender and he has faced protracted trial for a period of more than three years. He has also undergone actual sentence of 3 months and 3 days out of total 6 months awarded. The prayer made by learned counsel for the petitioner is opposed by learned State counsel appearing for the State of Punjab and has submitted that the petitioner was found driving rash and negligently.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below.

It is not in dispute that the petitioner is a first time offender

having no criminal history. The petitioner is recorded to be of 57 years in the judgment passed by the trial Court. The petitioner has already faced protracted trial for a period of more than 3 years. In the considered view of this Court, the petitioner who has already undergone sentence of more than 3 months, has suffered enough.

Keeping in view the aforesaid facts, the sentence awarded is reduced to the one already undergone.

The pending miscellaneous application, if any, shall stand disposed of in view of the above-said judgment.

Revision petition is disposed of.

12.04.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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