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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-349-2019 (O&M)

Date of Decision : March 28th , 2019

Mangal Kumar Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present : Harinder Pal Singh Ishar, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General,
Punjab.

SHEKHER DHAWAN, J.

Present revision petition is directed against the judgment of conviction and order of sentence dated 1.10.2016 passed by learned Judicial Magistrate Ist Class, Kharar vide which the petitioner was convicted and sentenced as under:-

Under Section	Sentence	In default
U/s 279 IPC	to undergo Rigorous Imprisonment for a period of 3 months.	-
337 IPC	to undergo Rigorous Imprisonment for a period of 3 months and to pay a fine of Rs. 500/-.	To undergo further Rigorous Imprisonment for 15 days.
338 IPC	to undergo Rigorous Imprisonment for a period of One year and to pay a fine of Rs. 1000/-.	To undergo further Rigorous Imprisonment for One month.
427 IPC	to undergo Rigorous Imprisonment for a period of 3 months.	-

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2. Facts relevant for the purpose of decision of the present revision petition; On the basis of statement made to the police by injured Iqbal Singh (PW-1), to the effect that he was working as Security Guard in HDFC Bank, Mullanpur Garibada. On 15.5.2014, he was proceeding on motorcycle bearing registration No. PB-27-C-9633 from his house to Mullanpur at about 1.50 PM, and when he reached a little ahead of gate of Airforce Station, a loaded Tipper came from behind and while crossing the complainant, struck its side with his motor-cycle, upon which the complainant fell on the kacha portion of the road. The complainant noted the registration No. of said Tipper to be HR-04-N-1119. The driver of the offending Tipper sped away towards Mullanpur side. On the basis of the statement made by the complainant F.I.R. Ex. PW-2/D was registered.

3. After completion of investigation proceedings, challan was presented before the trial Court.

4. During trial, learned trial Court completed various proceedings of trial including framing of charge, recording statements of prosecution witnesses and examination of the accused (petitioner herein) under Section 313 Cr.P.C. After considering the material and evidence available on record, vide judgment dated 1.10.2016, learned trial Court held the petitioner guilty and convicted and sentenced him as detailed in para No.1 above.

5. The appeal preferred by the present petitioner against the said judgment of conviction and order of sentence was dismissed by learned first appellate Court vide judgment dated 4.1.2019.

6. At the very outset, learned counsel for the petitioner contended

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that he does not challenge the judgment of conviction and a lenient view on the point of sentence be taken. The petitioner is 24 years of age and there is no other case pending against the petitioner.

7. Learned State counsel contended that the petitioner does not deserve any concession and the present revision petition be dismissed.

8. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that both the Courts below have already appreciated the evidence in its perspective manner. As such, the present revision petition, qua judgment of conviction passed by the Courts below, stands dismissed.

9. As regard to quantum of sentence, this Court is certainly inclined to take a lenient view in this case. The petitioner has already undergone substantial period of sentence and there being no other case against the present petitioner, taking a lenient view on the point of sentence, the order of sentence is modified to the extent that the sentence of petitioner, Mangal Kumar in this case shall be reduced from RI one year under Section 338 IPC to RI for Six months. All the sentences shall run concurrently.

10. Resultantly, the present revision petition stands disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

March 28, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes