

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

CRR-618-2019 (O&M)
Date of decision : 03.09.2019

Swaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S. Basra, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioner is in the revision petition against the judgment of conviction passed by the Judicial Magistrate Ist Class, Batala under Section 304-A IPC and order of sentence to undergo rigorous imprisonment for a period of one year and fine of Rs.1,000/-.

The Court of Session has affirmed the aforesaid judgment in appeal.

Learned counsel for the petitioner has made sincere attempt but finding that he will not be able to persuade this Court to take a different view, has made alternative prayer. He submits that the petitioner is 78 years of age and first time offender. He has already undergone 4 months, 6 days of actual custody including remission. He submits that keeping in view the age of the petitioner, sentence be reduced to already undergone.

On the other hand, learned counsel for the State has opposed the prayer on the ground that petitioner has already been dealt with leniently by the Courts below.

No doubt, the motor vehicular accidents are increasing and the roads have become death traps, however, in this case, petitioner has already attained the age of 78 years. He is first time offender. Accident took place in the year 2012. Petitioner is not stated to be involved in any other case arising from a motor vehicular accident after 2012.

Keeping in view the totality of the facts and circumstances of the present case, this Court is of the opinion that this is the fit case for reducing the sentence to already undergone.

Accordingly, the present petition is disposed of by reducing the sentence to the period already undergone. Petitioner is on bail. His bail bonds shall be discharged.

03.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No