

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3881 of 2013

DATE OF DECISION: FEBRUARY 14, 2019

DALJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VENEET SHARMA, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER BENIWAL, AAG, PUNJAB.

MANOJ BAJAJ, J.

The petitioner has preferred the present revision petition challenging the judgement dated 15.11.2013, passed the Addl. Sessions Judge, Amritsar, whereby the Judicial Magistrate 1st Class, Amritsar convicted the petitioner on dated 20.9.2011 in case FIR No.151 dated 25.10.2004 registered at Police Station Kathu Nangal, Amritsar, under Section 304-A IPC and 279 IPC and sentenced him to undergo to undergo R.I. for 2 years and to pay a fine of Rs.1000/- and in default of payment of fine, to undergo a further period of R.I. for 2 months under Section 304-A IPC and to undergo R.I. For 6 months under Section 279 IPC. Both the sentences were ordered to run concurrently.

The case of the prosecution is based on the statement of Balwinder Singh who stated that on 24.10.2004 he was returning from Amritsar to his village Kat Harday Ram on his motor-cycle No.PB18F 4907 and his son Sukhdev Singh and his brother-in-law Surjit Singh were occupants of another motor-cycle bearing registration No.PB02 AG 5028,

being driven by Sukhdev Singh and were slightly ahead of him on the left side of the road. At about 7.15 p.m., when they all reached at the turn to village Rupowali at bus stand Kathu Nangal, a bus bearing registration No. PB02 AJ 9909 of Sandhu Travels driven by Daljit Singh (petitioner) on a high speed on wrong side came from Batala side caused accident with the motorcycle being driven by his son Sukhdev Singh. Both the occupants were severely injured and was taken to Guru Nanak Dev Hospital, Amritsar, where Sukhdev Singh expired. On 4.11.2004, injured Surjit Singh also expired. The accused was arrested and after formal investigation, the trial commenced and the finding the accused guilty for the offence under Section 304-A and 279 IPC, the accused-petitioner was sentenced as stated supra.

The aforesaid judgement of conviction and sentence was challenged by the petitioner by filing an appeal before the Addl. Sessions Judge, Amritsar, which was also dismissed.

Hence, the present revision petition.

Learned counsel for the petitioner submits that without challenging the conviction of the petitioner, he confines his prayer for reduction in quantum of sentence awarded to the petitioner. It is contended that as directed by this Court, the petitioner has compensated the families of deceased by depositing ₹3 lakhs before the trial Court in addition to the compensation awarded by the Motor Accident Claims Tribunal in favour of the claimants of the deceased. It is also contended that the occurrence pertains to the year 2004, and a sufficient period has been suffered by the

petitioner by facing long and protracted trial and has also undergone 3 months and 21 days in custody. Learned counsel for the petitioner prays that considering the above factors, some leniency may be shown towards the petitioner and that he may be awarded the sentence already undergone by him.

Learned counsel for the State, on the other hand, has opposed any leniency to be shown towards the petitioner. He submits that due to the rash and negligent driving of the petitioner, two precious lives have been lost.

Heard learned counsel for the parties and have gone through the case file.

It has been proved on record that it was the petitioner only who was driving the vehicle in rash and negligent manner and such an unfortunate incident happened and two persons lost their lives. No doubt, that loss of lives cannot be compensated in any manner, but still little monetary help gives strength and support to the family of the deceased to stand, face and overcome the difficulties to some extent. A perusal of the case file shows that in addition to the compensation of ₹11 lakhs and ₹9 lakhs awarded to the claimants of the deceased, this Court also directed the petitioner to compensate the family of the deceased by paying ₹3 lakhs, which the duly done. The occurrence pertains to the year 2004. The petitioner is facing the agony of trial and appeal for the last 15 years. A perusal of the Custody Certificate shows that the petitioner has undergone 3 months and 21 days as on 14.2.2019, out of the awarded sentence of 2 years

awarded by the trial Court. Keeping in view the aforesaid factors, this Court is of the opinion that the petitioner has made out a case for reduction in quantum of sentence.

Considering the above, the judgement of conviction dated 20.09.2011 passed by the trial Court and upheld by the appellate Court does not warrant any interference, whereas the sentence of the petitioner is modified by reducing it to the one already undergone by him. The fine imposed by the trial Court shall remain intact.

With the above modification in reduction of sentence, the revision petition stands disposed off.

The trial Court is directed to release the compensation amount deposited by the petitioner to the claimants, if still lying unpaid.

February 14, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No