

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

**CRR No.1048 of 2018 (O&M)
Date of Order:24.05.2019**

John Masih

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

ANIL KSHETARPAL, J.

Petitioner is in revision petition against judgment passed by learned Additional Sessions Judge, Gurdaspur, dated 08.12.2017, dismissing the appeal filed by the petitioner against judgment of conviction and order of sentence dated 10.06.2016 in FIR No.60 dated 22.07.2012, registered under Section 304-A, 427 and 279 IPC, at Police Station Bhaini Mian Khan, District Gurdaspur.

This court has heard learned counsel for the petitioner at length and with his able assistance examined the judgments passed by the Courts below.

In a motor vehicular accident, petitioner who was driving a truck-tanker bearing registration No.PB-02-BP-9787 in a rash and negligent manner hit the motor cycle of Manohar Singh due to which Manohar Singh fell on the road and received injuries, resulting in his death. Petitioner fled from the spot, however, lateron apprehended. After investigation, challan was presented and on the basis of final report charges were framed under section 304-A and 279 IPC. Prosecution examined as many as 10

witnesses.

On appreciation of the evidence, Judicial Magistrate Ist Class found the petitioner guilty for having committed offences and sentenced him to undergo simple imprisonment for 2 years and to pay a fine of Rs.1000/- and in default of payment of fine, simple imprisonment for 10 days.

Appeal filed by the petitioner was dismissed.

Learned counsel after arguing for some time and realizing that there is not much substance in the revision petition on merits, submitted that the petitioner has already undergone sentence of 1 year 2 months and 20 days out of total sentence of 2 years. He submitted that the petitioner is a first time offender and apart from the sentence undergone, he has also faced protracted trial for the last 6½ years. He hence submitted that the court may consider reduction of the sentence to the one already undergone.

This court has considered the submissions.

As per the custody certificate, petitioner is not involved in any other criminal case. Petitioner has already suffered protracted criminal proceedings for more than 6 years. He has also already undergone 1 year 2 months and 21 days.

Keeping in view these facts, the sentence awarded is reduced to the one already undergone by the petitioner. Vide a separate short order, petitioner has been directed to be released.

Revision petition stands disposed of.

May 24, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No