

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-945 of 2017

DATE OF DECISION: FEBRUARY 27, 2019

JAGTAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. H.S. DEOL, ADVOCATE FOR THE PETITIONER.

MR. BHUPENDER BENIWAL, AAG, PUNJAB.

MR. ANKUR SHARMA, ADVOCATE,
LEGAL AID COUNSEL FOR RESPONDENT NO.2.

MANOJ BAJAJ, J.

The petitioner has preferred the present revision petition challenging the judgement dated 18.02.2017, passed by the Addl. Sessions Judge, Mansa upholding the conviction of the petitioner ordered by Judicial Magistrate 1st Class, Mansa on 4.8.2016, under Sections 279, 337 and 304-A IPC, whereby he was sentenced to undergo R.I. for 6 months under Section 279 IPC; R.I. for 6 months and to pay a fine of ₹500/- and in default of payment fine, to undergo a further period of S.I. for 15 days under Section 337 IPC and R.I. for 1 year and to pay a fine of ₹5000/- and in default of payment fine, to undergo a further period of S.I. for 1 month under Section 304-A IPC. All the sentences were ordered to run concurrently.

The case of the prosecution is based on the statement of Manjit Singh who stated that on 26.04.2015, when he alongwith his wife was proceeding from Ramditewala Chowk on a motorcycle bearing registration

No.PB-31M-1194 to get the petrol filled so as to reach Gurudwara Sahib, Talwandi Sabo, a truck bearing No.PB-31P-0485 came at a very high speed from behind without blowing any horn and hit against the motorcycle from behind, due to which his wife, namely, Manjit Kaur fell on the kutcha passage and got crushed under the wheels of the truck and died at the spot, where Manjit Singh suffered simple injuries. The accused fled away from the spot alongwith the truck. The accused was arrested. Formal investigation was carried out. The accused denied the same, pleaded innocence and claimed trial. The trial commenced and finding the accused guilty for the offence under Sections 279, 337 and 304-A 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, Mansa, 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 further contended that the petitioner has also deposited a cheque of ₹50,000/- before this Court for handing over the same to the complainant towards compensation. It is further contended that the occurrence pertains to the year 2015 and the petitioner has undergone 5 months and 2 days in custody. Learned counsel for the petitioner prays that 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 the prayer made by learned counsel for the petitioner. He submits that only due to the rash and negligent driving of the petitioner, the wife of complainant-respondent No.2 lost her life.

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 caused the accident in which one precious life was lost. The petitioner has compensated the complainant-respondent No.2 as well, according to his status. A perusal of the Custody Certificate shows that the petitioner has undergone 5 months and 2 days as on 27.02.2019, out of the sentence of 1 year awarded by the trial Court. Considering the above, this Court is of the view that ends of justice would be met, if the petitioner is sentenced to the period already undergone by him.

Considering the above, the conviction of the petitioner is upheld, whereas the sentence of the petitioner is reduced to one already undergone by him. The fine imposed by the trial Court shall remain intact.

The compensation amount deposited by the petitioner be disbursed to the complainant-respondent No.2, if not paid.

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

February 27, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No