

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.238

Criminal Revision No.790 of 2018 (O&M)
DECIDED ON: February 25, 2019

HARBHAJAN SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. L.M.Gulati, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

FIR No.254, dated 07.11.2011, under Section 304-A of the Indian Penal Code, 1860 (for short 'the IPC'), was registered against the petitioner at Police Station City Kotkapura, District Faridkot. On presentation of challan and completion of the trial, the petitioner was convicted under Sections 279 and 304-A IPC and was sentenced as under:

U/s	RI	Fine (₹)	In default
279 IPC	06 months	--	--
304-A IPC	02 years	1000/-	15 days

- Both the sentences were to run concurrently.
- Aggrieved against the judgment of conviction and order of sentence dated 06.01.2017, the petitioner preferred an appeal and vide impugned judgment dated 18.01.2018, the same was dismissed by the

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learned Additional Sessions Judge, Faridkot. Hence, the instant revision petition before this Court.

4. Notice of motion was issued inasmuch as learned counsel for the petitioner submitted that compromise has been effected between the petitioner and respondent No.2-complainant.

5. Today, learned counsel for the petitioner has not contested the instant revision petition on merits and he has simply submitted that petitioner is a poor person and is the sole bread winner of his family and that since the matter has been amicably settled between the parties, sentence of the petitioner may be suitably reduced.

6. Learned State counsel has filed custody certificate of the petitioner by way of an affidavit of Sh. Vijay Kumar, PPS, Deputy Superintendent, Sub Jail, Patti, which is taken on record. A perusal thereof shows that the petitioner has undergone total sentence of 01 years, 03 months and 02 days, including remission.

7. Record reveals that FIR against the petitioner was registered on 07.11.2011 and his conviction and sentence is of 06.01.2017. His appeal was dismissed by learned Additional Sessions Judge, Faridkot on 18.01.2018 and since then he has been undergoing his sentence. Thus, the petitioner underwent travails of trial for about six years besides undergoing the sentence of 01 year, 03 months and 02 days. As is apparent from his custody certificate, no other criminal case is pending or decided against the petitioner.

8. In view of above and the fact that one of the objectives of the criminal jurisprudence is to reform a convict, I am of the view that the petitioner has been adequately punished. Accordingly, in the light of the

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judgment of the Supreme Court in *Uthem Rajanna vs. State of U.P., 2005 (11) SCC 531*, the impugned judgment of conviction and order of sentence dated 06.01.2017, passed by learned Chief Judicial Magistrate, Faridkot and as upheld by learned Additional Sessions Judge, Faridkot, vide impugned judgment dated 18.01.2018, is maintained. So far as the order of sentence is concerned, the same is modified and petitioner-Harbhajan Singh is sentenced to the period already undergone by him. He is ordered to be set at liberty, in case he is not required in any other case.

9. With the above modification in the impugned order of sentence, the instant revision is dismissed.
10. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for information and compliance.

February 25, 2019
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No