

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

281

**CRR-1670-2019 (O&M)
DATE OF DECISION: 06.09.2019**

RAJINDER KUMAR @ RAJU

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Naveen Sharma, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the trial Court and the Appellate Court, whereby he has been convicted under Sections 279, 337 & 338 of IPC and sentenced to undergo rigorous imprisonment for six months.

Learned counsel for the petitioner contends that there is no cogent evidence which would suggest that the petitioner was driving the motor cycle in a rash and negligent manner. Moreover, the injured has fully recovered from the injuries. The petitioner is a poor person and is sole bread winner of his family which comprises his wife and two minor children. The accident took place on 30.11.2014 and Sandeep Kumar was injured who is now fully recovered from the injuries. He has also been compensated by the Motor Accident Claims Tribunal. He also contends that the petitioner is not challenging the conviction and would confine his prayer to the reduction in the quantum of sentence. The petitioner has already undergone an actual sentence of one month out of the total sentence of six months.

Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone 2 months and 21 days out of the sentence of 6 months.

Heard.

The accident took place on 30.11.2014. The petitioner was driving motorcycle which had struck the motorcycle driven by the injured Sandeep Kumar. Sandeep Kumar injured had received several injuries but he has fully recovered. The petitioner is not involved in any other case. The petitioner is the sole bread winner of his family which comprises his wife and two minor children. He is facing criminal proceedings for over 5 years. He has undergone sentence of imprisonment of almost 3 months out of the sentence of 6 months. It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him. The petitioner is directed to pay Rs.15,000/- as compensation to the complainant within one month.

With this modification, the petition stands disposed of.

06.09.2019*SwarnjitS***(ANUPINDER SINGH GREWAL)**
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No