

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

CRR No. 2183 of 2019 (O&M)

Date of decision: 28.11.2019.

Mohinder Singh

..... Petitioner.

Versus

State of U.T. Chandigarh

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Om Pal Sharma, Advocate, for the petitioner.

Mr. Amit Kumar Goyal, APP, U.T., Chandigarh.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM No. 37214 of 2019

This application is for placing on record the Below Poverty Line Certificate of the family of the applicant/petitioner.

Learned counsel for the applicant/petitioner contends that the applicant/petitioner belongs to the BPL family and in the interest of justice this certificate be taken on record.

Learned State counsel states that it has indeed been verified that the family of the applicant/petitioner is BPL and the certificate sought to be placed on record is genuine.

For the reasons stated in the application, the same is allowed and the aforementioned BPL certificate is taken on record as Annexure P1.

CRR No. 2183 of 2019 (O&M)

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Sections 279 and 338 of

the Indian Penal Code, 1860, and has been sentenced to undergo rigorous imprisonment for a period of one year and pay a fine of ₹1,000/-.

Learned counsel for the petitioner contends that the FIR is the outcome of a road accident and the car being driven by the petitioner had hit the scooter of the complainant. The complainant had received injuries, but he has fully recovered from the injuries. He also contends that he is confining his prayer in this petition to the reduction in the sentence and he is not challenging the conviction of the petitioner. The petitioner is a first offender. He also contends that the petitioner has undergone the sentence of almost four months out of the total sentence of one year. He also contends that the petitioner is a professional driver and he is the sole bread winner of his family which comprises his 80 years old mother, wife and two minor children. He also contends that the family of the petitioner is below the poverty line and has referred to the BPL certificate at Annexure P1 in this regard. He further contends that there is no allegation that the petitioner was under the influence of any intoxicant substance when the accident took place.

Learned State counsel has referred to the custody certificate dated 25.11.2019 which indicates that the petitioner has undergone total sentence of four months and four days out of the total sentence of one year.

Heard. It is a case of road accident in which the complainant had received injuries but he is stated to have fully recovered. The petitioner is a first offender. He is stated to be the sole bread winner of his family. The family of the petitioner is below the poverty line. He has undergone the sentence of imprisonment of four months and four days out of the total sentence of one year. It would, therefore, be in the interest of justice,

if the sentence of the petitioner is reduced to the period already undergone by him.

Therefore, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him. The petitioner be released forthwith if not required in any other case.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

28.11.2019
Ramesh

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