

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-11-2019 (O&M)
Date of decision: 03.04.2019

Satish Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pawan Attri, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction dated 05.06.2017, vide which the petitioner was held guilty for the offences punishable under Section 279, 304A of the Indian Penal Code (for short 'IPC') and the order of sentence of even date, vide which he was sentenced to undergo R.I. for a period of one year with a fine of Rs.200/- and in default of payment of fine, to further undergo R.I. for one month as well as the judgment dated 13.09.2018 passed by the lower appellate Court, vide which the appeal filed by the petitioner was dismissed.

Learned counsel for the petitioner, at the very outset, submits that he does not intend to press the present petition on merits and restricts his

arguments only with regard to quantum of sentence awarded to the petitioner. It is further submitted that out of 01 year R.I. awarded by the trial Court, the petitioner has undergone total sentence of 08 months and 13 days, including remission and 06 months and 19 days of actual sentence; he is a poor man; he is driver by profession and is ready to compensate the legal representatives of deceased, by paying an amount of Rs.25,000/-.

Learned counsel for the petitioner has further submitted that FIR pertains to the year 2014; the petitioner is first offender; he is not involved in any other case and during pendency of the trial as well as during the appeal before the lower appellate Court, he was on bail and has not repeated the offence, which is clear from the custody certificate dated 03.04.2019; he is sole bread-earner for his family, therefore, his sentence may be reduced to the period already undergone by him.

Learned State counsel, on the basis of custody certificate, has not disputed the actual sentence undergone by the petitioner and has also not disputed the fact that the petitioner is not involved in any other case.

In view of the above, present revision petition is partly allowed and while upholding the judgment of conviction, sentence of 01 year R.I. awarded to the petitioner by the trial Court, is reduced to the period already undergone by him i.e. 08 months and 13 days. This will however be subject to deposit of Rs.25,000/- as compensation, to be paid to the legal heirs of deceased Ramesh Kumar, within a period of 04 months from today, with the Chief Judicial Magistrate, concerned, failing which this revision petition shall be deemed to be dismissed and the petitioner will have to undergo remaining custody without

any further order.

Since the petitioner is in jail, he is directed to be released from the judicial custody forthwith, if not required in any other case.

03.04.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No