

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.220

CRR-1087-2020 (O&M)
Date of decision : 27.10.2020

Kuldeep Singh @ Bachittar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner has been convicted under Sections 279 and 304-A, IPC and maximum sentence of RI for a period of 02 years, has been imposed upon him, alongwith payment of compensation of Rs.5,000/-. In appeal, the appellate Court reduced the maximum sentence to RI for a period of 1 ½ years. Fine already stands paid.

Learned counsel for the petitioner submits that the petitioner is a first offender and only bread winner in his family. Thus, a lenient view may be taken and the maximum sentence be reduced further.

Custody certificate dated 27.10.2020 has been presented in Court and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 10 months and 06 days including remission of 01 month and 02 days and there is no other case pending/decided against him.

A perusal of the record shows that the petitioner was convicted under Sections 279 and 304-A, IPC and sentenced to undergo RI for a period of 06 months and 02 years, respectively. He was further directed to pay compensation of Rs.5,000/- to the legal representatives of the deceased. In

conviction, however, the sentence under Section 304-A IPC, was reduced to 1 ½ years.

It has not been disputed that the petitioner is sole bread winner of his family. Custody certificate produced in Court establishes the fact that he is the first offender. In exercise of revisional jurisdiction, this Court is competent to exercise all powers conferred on an appellate Court. Keeping in view the facts and circumstances of this case, I am of the opinion that sentence under Section 304-A IPC be further reduced to RI for a period of 01 year.

Thus, the petition is partially allowed.

(SUDHIR MITTAL)
JUDGE

27.10. 2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No