

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

CRR-3962-2018 (O&M)
Date of decision: 26.02.2020

Mohan Lal
Versus
...Petitioner

State of Haryana
...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. D.S. Virk, Advocate for the appellant.
Ms. Dimple Jain, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Accused Mohan Lal was tried by Chief Judicial Magistrate, Hisar, in case FIR No.205 dated 19.02.2012, for offences under Sections 279 and 304-A IPC, registered with Police Station City, Hisar, on the allegations that on 18.02.2012 at about 10.00 PM in the area of bus stand, Hisar, he drove bus No.RJ-13PA-1359 enroute Ganga Nagar to Haridwar in a manner so rash and negligent so as to endanger personal safety of the passengers present at bus stand. Such driver caused grievous injury to Neelam, daughter of the complainant Tek Chand. The trial ended in his conviction and sentence as follows:-

U/s	Imprisonment	Fine	In default
279 IPC	Simple imprisonment for 03 months	Rs.1000/-	Simple imprisonment for 10 days

U/s	Imprisonment	Fine	In default
338 IPC	Simple imprisonment for 01 year	Rs.1000/-	Simple imprisonment for 10 days

Both the sentences were ordered to run concurrently. It was so done, vide order dated 30.11.2015.

Feeling aggrieved by judgment of his conviction and sentence, the accused/convict had preferred an appeal before Sessions Judge, Hisar, however, the same was dismissed, vide judgment dated 29.10.2018.

Still feeling dissatisfied, he has approached this Court, by way of filing the present revision petition, which is being resisted by State counsel.

I have heard learned counsel for the revisionist/convict, learned State counsel besides going through the record.

At the very outset, learned counsel for the revisionist/accused states that he does not challenge the judgments passed by the Courts below with regard to conviction of revisionist/accused and has got only submissions to make on the point of quantum of sentence. He has contended that revisionist/accused is a poor person and is only bread winner of his family, which includes three children; he does not have a past criminal record; he has already undergone period of 10 months and 02 days out of the substantive sentence of one year imposed upon him. Therefore, some leniency be shown to him in the matter of sentence.

Though, learned State counsel is opposing the request but I

find that considering the facts and circumstances of the case, the mitigating circumstances explained by learned counsel for revisionist/accused and the fact that as per custody certificate produced by State counsel, the revisionist has already undergone total sentence including remissions of 10 months and 02 days and he is not shown to be involved in any other case, it would be proper and appropriate if while maintaining the conviction of the accused, the sentence is reduced to already undergone by him in this case, whereas, keeping the fine part intact. It is ordered accordingly.

With such modification, the revision petition is allowed partly.

26.02.2020
sumit.k

(H.S. MADAAN)
JUDGE

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