

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-231-2021 (O&M)
Date of Decision:-6.8.2021

Amrik Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pawan Bishnoi, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging judgment dated 17.2.2021 vide which the learned Sessions Judge, Fatehabad has dismissed his appeal challenging judgment dated 26.3.2019 and order of sentence dated 28.3.2019 passed by learned Judicial Magistrate 1st Class, Fatehabad vide which he has been convicted for offences under Sections 279, 337 and 338 of Indian Penal Code.
2. I have heard learned counsel for the petitioner and have also perused the judgment of learned Judicial Magistrate 1st Class and also of the Lower Appellate Court.

3. A perusal of the same show that the FIR in question was lodged at the instance of Jaildar to the effect that on 11.3.2016 when he alongwith Bhajan Lal and Chinder Pal were returning home, a motorcycle driven by the petitioner-Amrik Singh in a rash and negligent manner hit them from behind dragging Chinder Pal to a distance on account of which Chinder Pal sustained injuries and even the hand of the complainant-Jaildar got injured.
4. The petitioner was tried by learned Judicial Magistrate 1st Class for offences under Sections 279, 337 and 338 of Indian Penal Code and was held guilty for having committed offences under Sections 279, 337 and 338 of Indian Penal Code. The Trial Court has marshaled the evidence led before it which has remained virtually un rebutted and the petitioner could not make any dent in the case of prosecution. This Court does not find any infirmity in the findings as recorded by the Trial Court and which have been affirmed by the Lower Appellate Court. In these circumstances, the conviction of the petitioner for offences under Sections 279, 337 and 338 of Indian Penal Code is hereby upheld.
5. However, this Court does find that there is some room for reduction of sentence particularly keeping in view that the petitioner is not even stated to be a previous offender. It has been informed by learned State counsel that the petitioner as on date has already undergone about 3 months out of the imposed sentence of 6 months. Keeping in view the aforesaid factual position regarding the petitioner being a first offender and having undergone a sentence of about 3 months, the revision petition is accepted to the limited extent of reduction in sentence. The sentence imposed upon the petitioner is reduced to the one already undergone subject to the condition that the petitioner pays an amount of ₹20,000/- to the injured Chinder Pal and

another amount of Rs.10,000/- to the complainant Jaildar, who also sustained some minor injuries. The aforesaid amount may be deposited before the Trial Court. Upon such amount being deposited, the Trial Court shall make arrangement for disbursing the same to the injured and to the complainant after duly getting them identified. The Trial Court shall itself issue notices to the complainant as well as to the injured. The petitioner shall also on his own inform the complainant as well as the injured in this regard.

6. The petition stands accepted to the limited extent as indicated above qua the quantum of sentence.

6.8.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No