

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

**CRR No.352 of 2021 (O&M)
Date of Decision:- 17.12.2021.**

Joginder Singh

.....Revisionist-Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Jasraj Singh, Advocate
for the revisionist-petitioner.

Ms. Samina Dhir, D.A.G, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment/order on sentence dated 09.08.2017 passed by the Judicial Magistrate 1st Class, Hoshiarpur (for short “the trial Court”) whereby the revisionist-petitioner (for short “the petitioner”) was held guilty for committing the offences under Sections 279, 337 and 304-A IPC and was sentenced to undergo the rigorous imprisonment for six months under Section 279 IPC, rigorous imprisonment for six months under Section 337 IPC and rigorous imprisonment for two years under Section 304-A IPC as well as the judgment dated 12.01.2021 handed down by the Sessions Judge,

Hoshiarpur (for short “the appellate Court”) dismissing the Criminal Appeal preferred by him to assail the said judgment and order on sentence, he (petitioner) has chosen to file the instant revision petition.

Bereft of unnecessary details, the facts leading to the filing of the present revision petition, are that a criminal case was registered against the petitioner at Police Station Mahilpur, Hoshiarpur, vide FIR No.105 dated 14.12.2012, under Sections 279, 337, 304-A and 427 IPC with the allegations that on 14.12.2012, he had driven the Canter bearing registration No.PB-07U-4011 in a rash and negligent manner at a high speed and had thereby, caused the accident resulting into the death of one Sukhdev Singh and injuries on the person of the complainant-informant Yudhvair Singh.

After the submission of the Challan, the charges were framed against the petitioner under Sections 279, 337 and 304-A IPC and on the conclusion of the trial, he was held guilty and was awarded the punishment vide the impugned judgment/order on sentence dated 09.08.2017 as mentioned in the opening para of this judgment.

To assail the said judgment as well as the order on sentence as passed by the trial Court, he (petitioner) preferred the Criminal Appeal and the same has also been dismissed by the appellate Court vide the impugned judgment dated 12.01.2021 and the petitioner has laid challenge to the same by way of this revision petition.

I have heard learned counsel for the petitioner as well as learned State counsel in the present revision petition and have also perused

the file thoroughly.

It is pertinent to mention here that at the very outset, learned counsel for the petitioner has submitted that he does not want to address the arguments to assail the impugned judgments of conviction passed against the petitioner and rather, he intends to confine his arguments to the quantum of the sentence awarded to him (petitioner) in this case.

Learned counsel for the petitioner contends that the accident in question took place on 14.12.2012 and the petitioner has been facing the agony of criminal proceedings since the year 2013 and moreover, he is the sole bread-winner of his family and is also not involved in any other criminal case and he has been awarded the maximum punishment provided for the offence under Section 304-A IPC and in these circumstances, a lenient view be taken and the substantive sentence, as awarded to him, may be reduced.

Learned State counsel does not dispute the afore-said period of the pendency of the criminal proceedings against the petitioner as well as the factum of his not being involved in any other criminal case.

As per the custody-certificate of the petitioner, he has undergone imprisonment/custody for a total period of 01 year and 19 days including the remission as earned by him for the period of 01 month and 15 days, as on 16.12.2021.

Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that it would be in the fitness of the things if the impugned order on sentence is modified by way of reducing

the punishment of rigorous imprisonment for two years, as awarded to the petitioner under Section 304-A IPC, to the afore-mentioned period as already undergone by him till date.

Resultantly, the instant revision petition is partially allowed only to the extent of the above-described modification in the order on sentence while upholding the judgments recorded by the Courts below qua the conviction of the petitioner.

December 17, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*