

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRR No. 923 of 2020 (O&M)
Date of Decision: 24.3.2021**

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Sumati Jund, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J.

1. This is a revision petition instituted by Sukhdev Singh son of Nachhar Singh, who was held guilty for committing offence under Sections 279 and 304-A of the Indian Penal Code by the judgment dated 27.2.2018 passed by the Judicial Magistrate First Class, Sangrur, and sentenced to undergo rigorous imprisonment for a period of six months under Section 279 IPC and for one year and six months under Section 304-A IPC and to pay a fine of ₹1000/-, in default of payment of fine and to further undergo rigorous imprisonment for a period of 10 days. Both the sentences were to run concurrently.

2. In the appeal against the aforesaid judgment, learned Sessions Judge, Sangrur, by judgment dated 25.2.2019, maintained the conviction and sentence of the revisionist-petitioner herein recorded by the learned trial Court. Against the impugned judgments dated 27.2.2018 and 25.2.2019,

passed by the trial Court as well as by the Appellate Court, Sukhdev Singh has come up in this revision petition before this Court.

4. In brief, the facts of the case are that complainant—Jatin Arora was travelling on his scooty make TVS. His brother Pankaj Arora was going ahead of him on his separate motorcycle along with his son. When the motorcycle of Pankaj Arora reached near Bhagat Singh Chowk, the petitioner came driving his truck/canter in a rash and negligent manner and also with a high speed and hit his truck against the motorcycle being driven by Pankaj Arora, due to which he and his son fell down. The son of Pankaj Arora was crushed under the tyres of the truck. Both Pankaj Arora and his son were taken to Civil Hospital, Sangrur, where the child Onkar Arora was declared dead. The petitioner was formally arrested. After conclusion of the entire investigation, the petitioner was challaned to face trial.

5. Finding a prima-facie case against the petitioner/accused, punishable under Sections 279 and 304-A of the IPC, he was charge sheeted accordingly to which he pleaded not guilty and claimed trial. After taking entire prosecution evidence, statement of accused, under Section 313 Cr.P.C., was recorded, wherein accused denied each prosecution allegation and pleaded his innocence.

6. After hearing both the counsel for the parties and appraising the entire evidence and material on record, the petitioner was convicted by the learned trial Court, as mentioned above and the appeal preferred against the judgment of conviction was rejected by the learned Sessions Judge, Sangrur.

7. I have heard learned counsel for the parties besides appraising the entire evidence and material on record.

8. After arguing for sometime, learned counsel for the revisionist-petitioner contended that in-fact revisionist has already undergone substantive period of sentence i.e. 1 year and 28 days as per custody certificate produced on file in the Court. Accused-revisionist has already faced protracted trial. He does not assail the findings of the conviction recorded against the revisionist by both the Courts below in case the sentence of revisionist is reduced to the one already undergone.

9. In this regard, reliance has been placed on a judgment rendered by this Court in ***Jasbir Singh @ Jasbir vs. State of Haryana, 2016(3) R.C.R. (Criminal) 797*** and the judgment passed by the Supreme Court in ***Kunjabai vs. State of Madhya Pradesh, 2015(4) R.C.R. (Criminal) 1037*** wherein in similar circumstances the sentence of the appellant therein was converted to the period already undergone.

10. From the custody certificate placed on file today in the Court, it is evident that the revisionist-petitioner has already undergone 1 year and 28 days of sentence including of remissions upto 30.3.2020, out of the total sentence awarded to him. The FIR is of the year 2015 and the revision petitioner has faced protracted trial. Under these circumstances, I am of the considered view that the ends of justice would be met in case the order of sentence is modified by reducing the sentence of revisionist-petitioner to the period already undergone by him.

11. Therefore, the judgment of conviction dated 27.2.2018, which was affirmed by the learned Sessions Judge, Sangrur vide judgment dated 25.2.2019 is upheld, however, order of sentence is modified by reducing the sentence of the revisionist-petitioner awarded under Section 304-A IPC to

the period already undergone by him.

12. The revision petition stands disposed of, accordingly

24.3.2021
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(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>