

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

CRR No.1118 of 2020

Date of Decision:- 15.12.2021.

Amarjit Singh

.....Revisionist-Petitioner.

Versus

State of Punjab

.....Respondent.

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

Present:- Mr. Sunny K. Singla, 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 06.02.2017 passed by the Judicial Magistrate 1st Class, Samana (for short “the trial Court”) whereby the revisionist-petitioner (for short “the petitioner”) was held guilty for committing the offences under Sections 279 and 304-A IPC and was sentenced to undergo the rigorous imprisonment for six months and to pay a fine of Rs.250/- under Section 279 IPC and rigorous imprisonment for one year and to pay a fine of Rs.250/- under Section 304-A IPC as well as the judgment dated 14.02.2020 handed down

by the Additional Sessions Judge, Patiala (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.

Shorn and short of unnecessary details, the facts culminating in the filing of the present revision petition, are that a criminal case was registered against the petitioner at Police Station City Samana, vide FIR No.60 dated 30.04.2013, under Sections 279, 304-A and 427 IPC with the allegations of his having driven the harvesting combine bearing registration No.PB-08C-8380 in a rash and negligent manner at a high speed and thereby, having caused the accident resulting into the death of one Gaurav Singla.

After the submission of the Challan, the charges were framed against the petitioner under Sections 279 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 dated 06.02.2017 as detailed in the opening para of this judgment. To assail the said judgment qua his conviction and 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 14.02.2020 and the petitioner has laid challenge to the same by filing 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 worth-while 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 in the year 2013 and the petitioner has been facing the criminal proceedings since then, i.e for the last 8 years and moreover, he is the sole bread-earner of his family and is also not involved in any other criminal case 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 factum of the pendency of the criminal proceedings against the petitioner since the year 2013 as well as of his not being involved in any other criminal cases.

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 sentence of rigorous imprisonment, as awarded to the petitioner, to a period of nine (09) months.

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 15, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*