

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

**CRR-849-2012 (O&M)
DECIDED ON: 25th AUGUST, 2022**

KAPTAN SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J

The instant revision petition has been filed against the judgment dated 13.02.2012 passed by learned Additional Sessions Judge (Adhoc) Fast Track Court II, Hoshiarpur, thereby dismissing the appeal and affirming the judgment of conviction and order of sentence dated 25.02.2011 passed by the learned Judicial Magistrate Ist Class, Mukerian, for commission of offences under Sections 279, 337, 338 and 304-A IPC, and accordingly awarded sentence RI for a period of six months and to pay a fine of Rs.500 and in default thereof to further undergo S.I. For 15 days for commission of offence under Section 279 IPC; to undergo RI for a period of six months and to pay a fine of Rs.500 and in default thereof to further undergo S.I. For 15 days for commission of offence under Section

335 IPC; to undergo RI for a period of one year and to pay a fine of Rs.1000 and in default thereof to further undergo S.I. for one month for commission of offence under Section 338 IPC and to undergo RI for a period of two years and to pay fine of ₹1500/- and in default thereof to further undergo SI for a period one month. All the sentences were ordered to be run concurrently.

The brief facts of the case are that on 27.04.2008, the complainant/Dharminder Singh suffered a statement with HC Bhupinder Singh that he, along-with Veena Kumari, Usha Devi and Pooja, minor daughter of Usha Devi, were going to Village Badalian from Village Nikku Chak on his motorcycle bearing registration No. PB-54-B-7330. When they reached near Shah Nehar Mukerian Hydel project then a tractor bearing registration No. PB-03-D-9931 make Mohindra DI with 'Tiller' and 'Sohaga' laid on the back side of the tractor came from the opposite side i.e. Village Gaggar which was being driven by Kaptan Singh (petitioner), who was driving it at a high speed in a rash and negligent manner. The said tractor hit into his motorcycle, as a result thereof, they fell down and the 'Sohaga' laid on the back side of the tractor hit upon the head of Veena Kumari and she was ran over by the 'Sohaga'. The 'Tiller' of the tractor hit Usha Devi resulting into fracture on her left leg. The minor daughter namely Pooja of Usha Devi also sustained injuries. Meanwhile, his uncle Jagdish Lal came there and took them to the Civil Hospital, Hajipur where Veena Kumari succumbed to her injuries.

At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered

on 27.04.2008, the petitioner has faced the agony of trial for more than two decades. He has undergone more than one year of custody, as such, the sentence may be reduced to the period already undergone by him.

Learned counsel for the State opposes the prayer made by learned counsel for the petitioner. He submits that a human life was lost due to the negligence of the petitioner. Submission is that learned trial Court appreciated the evidence and after analysing the facts on record, convicted the petitioner due to which no interference is called for. He has filed the Custody certificate of the petitioner in Court today, which is taken on record. According to the custody certificate, the petitioner has undergone actual sentence of 1 year 1 month and 13 days, including remissions.

Heard learned counsel for the parties at some length and records are also perused.

There is no ground made out for interference on merits in the impugned judgment of conviction, order of sentence as well as the order of the appellate Court in the revision petition. The conviction of the petitioner is, thus, upheld. However, the contention of learned counsel for the petitioner regarding quantum of sentence deserves acceptance.

As per the custody certificate the petitioner has undergone total sentence of 1 year 1 month and 13 days, including remissions.

It would be appropriate to note at this stage that FIR was registered on 27.04.2008, the petitioner has faced agony of trial for about one and half decade.

Considering the fact that the petitioner is first time offender

and has faced agony of protracted trial for a considerable long period, to meet the ends of justice, the criminal revision petition is partly allowed.

The conviction of the petitioner is upheld, however, his sentence is reduced to the period already undergone by him, subject to payment of fine of ₹10,000/- over and above the fine imposed by the trial Court. The petitioner is directed to be released, if not required in any other case, subject to payment of enhanced fine of ₹10,000/- to be deposited with learned Chief Judicial Magistrate, concerned.

The application for suspension of sentence stands disposed of, as having been rendered infructuous in view of disposal of main revision petition.

SANDEEP MOUDGIL
JUDGE

25th AUGUST, 2022.
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |