

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-320-2016 (O&M)

Date of Decision: 22.09.2022

Gurmail Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. G.S. Nahel, Advocate for the petitioner.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

Petitioner-Gurmail Singh, in person produced by
Inspector-Amrik Singh, SHO, Police Station Sherpur,
District Sangrur.

ASHOK KUMAR VERMA, J. (ORAL)

Pursuant to the order dated 12.03.2020, petitioner-Gurmail Singh, has been produced in Court today by Inspector Amrik Singh, SHO, Police Station Sherpur, District Sangrur.

Through this revision, accused has laid challenge to judgment dated 21.11.2014 of the First Appellate Court, affirming judgment of conviction and order of sentence dated 30.01.2014 of the trial Court, whereby he was held guilty under Sections 279 and 304-A IPC and sentenced as under:

Under Section	Sentence
279 IPC	To undergo rigorous imprisonment for 06 months and to pay a fine of Rs.500/- and in default thereof, to further undergo simple imprisonment for 30 days.

304-A IPC	To undergo rigorous imprisonment for 2 years and to pay a fine of Rs.1000/- and in default thereof, to further undergo simple imprisonment for 60 days.
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Both the sentences were ordered to run concurrently.

Briefly, the petitioner was booked and tried in case FIR No. 45 dated 11.02.2008, under Sections 279, 337, 304-A and 427 IPC and Section 181 of the Motor Vehicles Act, Police Station City, Dhuri, for causing death of one Rajinder Kumar, brother of complainant-Sanjiv Kumar, on account of rash and negligent driving of tractor-trolley bearing registration No. PB-12-4358 loaded with bags.

It is pertinent to mention here that earlier the case was decided by the trial Court vide judgment dated 30.11.2010 and the same was remanded back by the Appellate Court, vide judgment dated 13.09.2013, with directions to the trial Court to summon the defence witnesses as per list furnished by the accused/petitioner for recording their evidence and then to decide the matter afresh after hearing both the parties, in accordance with law.

The trial Court after recording the defence evidence led by the petitioner, convicted and sentenced the petitioner in the manner as narrated above, vide judgment/order dated 30.01.2014.

Being aggrieved, the petitioner approached the Ist Appellate Court, but remained un-successful as his appeal too was dismissed, vide judgment impugned herein.

Learned counsel for the petitioner states that he does not challenge conviction of the petitioner on merits and confines his prayer to the quantum of sentence only. This criminal trial is hanging on his head

like damocle's sword for more than 14 years, which should be a sufficient mitigating circumstance to treat him leniently. The petitioner has suffered the ordeal for long period. Out of total sentence two years, petitioner has undergone actual sentence of 1 year, 7 months and 22 days. Petitioner is not involved in any other case. Fine of Rs.1500/- has already been deposited by the petitioner before the trial Court vide receipt No. 06 dated 30.11.2010. Photocopy of the same is taken on record.

As per custody certificate dated 16.03.2018, petitioner has already undergone actual sentence of 01 year, 07 months and 22 days. The sentence of the petitioner has already been suspended vide order dated 03.06.2016 passed by a co-ordinate Bench of this Court. Therefore, in view of the arguments advanced by learned counsel for the petitioner, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars any more. It is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone.

Ordered accordingly.

Impugned judgment of conviction stands affirmed with above modification.

Disposed of.

September 22, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No