

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

CRR No.2655 of 2019 (O&M)

Date of Decision: 17th February, 2022.

Sukhdev Singh

...Revisionist-Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. H.S.Sidhu, Advocate,
for the revisionist-petitioner.

Ms. Samina Dhir, Deputy Advocate
General, Punjab.

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment/order on sentence dated 23.03.2017 passed by Judicial Magistrate 1st Class, Moga (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 under Section 279 IPC and the rigorous imprisonment for two years and was also imposed the fine to the tune of Rs.1500/- under Section 304-A IPC as well as the judgment dated 17.08.2019 handed down by the Additional Sessions Judge, Moga (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 instant revision petition, are that a criminal case was registered against the petitioner at Police Station City, Moga, vide FIR No.08 dated 22.01.2013 under Sections 279, 304-A, 337, 338 and 427 IPC with the allegations that on 22.01.2013, he had driven the Canter bearing Registration No.PB-04-D-9515 in a rash and negligent manner at a high speed and had, thereby, caused the accident resulting into the death of the father of the complainant named Sajjan Singh and injuries on the person of his mother.

After the presentation of the Challan, the charges were framed against the petitioner under Sections 279, 337, 338 & 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 23.03.2017 as detailed 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 17.08.2019 and by way of the present revision petition, he has laid challenge to the same.

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 had taken place on 22.01.2013 and the petitioner has been facing the agony of the criminal proceedings since then and moreover, he is the sole bread-earner 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, 04 months and 09 days including the remission as earned by him for the period of 02 months and 25 days, as on 15.02.2022.

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, 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.

(MEENAKSHI I. MEHTA)
JUDGE

17.02.2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No