

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.68 of 2023 (O&M)
Date of decision: 28th March, 2023

Gaurav @ Goldy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.S. Gill, Advocate for the petitioner.
Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed to impugn the order dated 29.11.2022 passed by learned Addl. Sessions Judge, Patiala whereby while modifying the sentence awarded under Section 304-A IPC, the appeal preferred by him against the judgment of conviction and order of sentence dated 27.08.2021 passed by learned Sub Divisional Judicial Magistrate, Nabha, was dismissed.

Vide judgment dated 27.08.2021, learned Sub Divisional Judicial Magistrate, Nabha, convicted and sentenced the petitioner as under:

Under Section	Sentence of RI	Fine	Imprisonment in default of payment of fine
279 IPC	6 months	₹ 500/-	1 month
304-A IPC	2 years	₹ 1000/-	3 months

Both the sentences were ordered to run concurrently.

Vide judgment dated 29.11.2022, learned Addl. Sessions Judge, Patiala modified the sentence awarded to the petitioner under Section 304-A IPC from 2 years to 1 year RI.

The case as set up by the prosecution may be noticed as thus:

The FIR in question was registered at the instance of Durvesh son of Mulayam Singh, that on 27.06.2017 he along with his cousin Shyam Sunder were going towards Rajasthan from Nabha in two different trucks. When they reached near village Ghanruki at about 10.00 p.m., another truck being driven by the petitioner came from the side of Bhawanigarh and struck head-on against the truck driven by his cousin Shyam Sunder who died at the spot. After registration of the FIR, formal arrest of the petitioner was effected.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments.

Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 2017 and the petitioner has thus, suffered the agony of protracted trial for the last more than 6 years. Learned counsel further submits that the petitioner has been leading the life of disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A

prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the learned senior counsel be reduced to the period already undergone as no useful purpose would be served by keeping the petitioner behind bars. The custody certificate, which has been filed by the State counsel today in Court, does not reflect the involvement of the petitioner in any other criminal case.

Heard learned counsel for the parties and perused the relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner his substantive sentence of one year is reduced to the sentence already undergone by him in the present case.

There shall be no modification with regard to sentence of fine. On deposit of fine (if not paid earlier), petitioner be released forthwith, if not required in any other case.

With these modifications, the instant revision petition is disposed of.

(MANJARI NEHRU KAUL)
JUDGE

March 28, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No