

319 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-66-2008
Decided on : 20.01.2023

Baldev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S.Gill, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been preferred against the judgment dated 12.04.2007 passed by JMIC, Ist Class, Jalandhar vide which the accused-petitioner was convicted under Section 304-A IPC and sentenced to undergo rigorous imprisonment for a period of one year along with fine of Rs.300/- and in default of payment of fine, petitioner was directed to further undergo rigorous imprisonment for a period of 15 days and rigorous imprisonment for six months under Section 279 IPC. Vide judgment 10.12.2007, the order of conviction of the petitioner was upheld by the Lower Appellate Court.

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 sentence only. Learned counsel submits that the occurrence in question pertains to the year 2001 and the petitioner has thus, suffered the agony of trial for the last 21 years. Learned counsel further

submits that the petitioner has been leading the life of a 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 trial Court be reduced to already undergone as no useful purpose would be served by sending 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 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 is reduced to the sentence already undergone by him in the present case. However, there would be no modification qua the fine of Rs.300/- imposed upon the petitioner by the trial Court.

With this modification, the present petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

20.01.2023
sonia

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