

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-548-2023
Date of Decision: 23.01.2024
2024: PHHC: 009916

Kuldeep @ Bittu
Vs.
State of Haryana
..... Petitioner
..... Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Manoj Tanwar, Advocate, for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

DEEPAK GUPTA, J.

This Criminal Revision is against the finding of conviction recorded by the trial Court and as confirmed by the appellate Court.

2. Petitioner was tried by Id. JMIC, Kaithal in case arising out of FIR No.108 dated 26.03.2015 registered at Police Station Pundri under Sections 279/337/304A IPC in a case bearing CNR No. HRKH-03-001642-2016. Vide judgment dated 26.10.2018, he was held guilty under Sections 279 and 304A IPC and convicted thereunder. Vide separate order dated 29.10.2018, he was sentenced as under: -

Sr. No.	Under Sections	Period of sentence	In default	Fine
1	279	Six month rigorous imprisonment	One month simple imprisonment	₹1,000/- on convict
2.	304A	Two years rigorous imprisonment	Six month simple imprisonment	₹5,000/- on convict

3. Petitioner preferred appeal against the aforesaid judgment of conviction and sentence, but the said appeal titled 'Kuldeep @ Bittu Vs.

State of Haryana' [CNR No. HRKH01-004686-2018] was dismissed by the Court of Id. Additional Sessions Judge, Kaithal vide judgment dated 27.01.2023.

4. The short submission made by Id. counsel for the petitioner, in the present criminal revision, is that petitioner does not dispute the finding of conviction and withdraws his petition accordingly. Id. counsel has pointed out towards the custody certificate to contend that petitioner has already undergone a sentence of more than 1 year and 1 month. Prayer made by him is to modify the order of sentence and to sentence the petitioner for the period already undergone by him. Id. counsel also points out that legal representatives of the deceased Ravi have already been duly compensated by MACT, Kaithal vide award dated 23.12.2015, copy of which has been placed on record.

5. Id. State counsel has no serious objection to the aforesaid prayer.

6. As far as conviction is concerned, Id. counsel for the petitioner could not point out any illegality or perversity in the impugned judgments. Even otherwise, statement has been made by counsel for the petitioner so as to withdraw this petition qua the conviction. As such, petition is dismissed as withdrawn as far as conviction recorded by the trial Court is concerned, which has been upheld by the appellate Court.

7. Coming to the quantum of sentence, accident had taken place way-back on 25.03.2015 i.e. approximately 8 years ago. Petitioner caused the accident while driving his motorcycle in a rash and negligent manner causing the death of Ravi. The legal representatives of the deceased-Ravi

have been duly compensated. Petitioner has already undergone actual custody period of 11 months and 27 days; and by including the remission period, the said period is 1 year 1 month and 4 days.

8. Having regard to all the aforesaid facts and circumstances, this Court is of the view that period already undergone by the petitioner in custody is sufficient to meet the ends of justice. As such, the impugned order of sentence as passed by the trial Court and upheld by the Appellate Court, is hereby modified. Petitioner is sentenced to imprisonment for the period already undergone by him.

Disposed of.

23.01.2024

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No