

Criminal Revision No. 817 of 2008
Date of decision : January 15, 2024

Amarjit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Atul Gaur, Advocate, for the petitioner
Mr. Jashandeep Singh, AAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. The instant revision petition is directed against the judgment of conviction, and order of sentence dated 19.7.2004, as passed by the learned Judicial Magistrate Ist Class, Kharar vide which, the petitioner was convicted for the offences punishable under Sections 279 and 338 IPC, and, was sentenced as under:-

U/s 279 IPC	RI for a period of six months.
U/s 338 IPC	RI for a period of one year and fine of Rs 1000/- and in default of payment of fine, to further undergo RI for 15 days

2. Having aggrieved with the judgment and order (supra), the petitioner preferred a statutory appeal. The same was dismissed by the learned Additional Sessions Judge, Rupnagar, vide judgment dated 15.3.2008.

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3. In the instant case, the FIR was registered on the basis of statement of complainant Pritam Sachdeva, in which, he has stated that on dated 10.10.2000, at about 3.45 PM, he along with his mother Sushma Sachdeva were going on Kinetic Honda scooter bearing registration No. HR-03-4404 from Rajpura to their House at Manimajra. When they reached near T-Point Bhobat (Zirakpur), then a truck bearing registration No. PJN-9391, being driven in a rash and negligent manner, without blowing any horn, was overtaking the complainant, and suddenly turned the said truck towards left side. The complainant while making an endeavour to stop the scooter, came into collision with the said truck, as a result of which his left leg got entangled with the Kinetic Honda, and the rear tyre of the said truck got ran over the complainant's leg, and his left leg suffered injuries and got fractured.

4. The investigation was carried out, and the final report *qua* the petitioner was filed. Charges were framed against him under Sections 279, 338 IPC.

5. The prosecution, in order to establish charges against the accused person, examined PW-1. Karam Chand (Mechanic), PW-2 Pritam Sachdeva (Complainant), PW-3 Sushma Sachdeva (Eye witness), PW-4 SI-Amarpreet Singh (Investigating Officer), PW-5-Om Parkash, Superintendent, Registration Licencing Authority, PW-5 Dr. Samir Aggarwal. However, no witness was examined in defence by the accused.

6. After examining the entire evidence, the learned trial court concerned held the petitioner guilty of the charges, framed against him and sentenced as aforesaid.

7. Learned counsel for the petitioner at the very outset submits that he does not want to address arguments on merits of the instant petition. However, considering the mitigating and aggravating circumstances, he made a prayer to reduce the sentence of the petitioner as imposed by the learned trial court concerned, and was also upheld by the learned appellate court concerned, to the period already undergone by the present petitioner. He further submits that the present case was registered in the year 2000, and it is almost 23 years that the petitioner is facing the agony of the pendency of the present criminal proceedings. Further, at the time of commission of offence, the petitioner was of young age and now he is well settled in his life, having grown up children, to look after and he has not committed any criminal offence since then, which further proves that the petitioner has mend his ways, and now is very much settled in the society. The petitioner remained enlarged on bail during the pendency of the present revision, and has never misused the concession of the same.

8. On the other hand, the learned State counsel, while opposing the asked for relief, filed custody certificate of the petitioner. The custody certificate of the petitioner reveals that he

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has undergone RI for 04 months 14 days out of total sentence of one year imposed upon him.

9. This Court finds merit in the prayer as made by the counsel for the petitioner, *qua* reduction of sentence. Considering the age of the petitioner at the time of offence, and other aggravating and mitigating circumstances, as explained above, while maintaining balance between deterrence against crime *viz-a-viz* re-formative approach of punishment, this Court deems it appropriate to reduce the period of sentence, as imposed upon the petitioner, to the period already undergone by him..

10. In view of the above, the instant revision petition is **partly allowed**. The judgment of conviction dated 19.7.2004, passed by the learned Judicial Magistrate Ist Class, Kharar, and judgment dated 15.3.2008 passed by the learned Additional Sessions Judge, Rupnagar, are upheld. However, the sentence imposed upon the petitioner is reduced to the period already undergone by him.

January 15, 2024

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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>