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2024:PHHC:043393

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.3160 of 2012 (O&M)
DECIDED ON: 01.04.2024

OMBIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. N.C. Kinra, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision has been preferred by Ombir Singh, challenging judgment dated 27.09.2012 passed by learned Additional Sessions Judge, Panchkula, whereby judgment of conviction and order of sentence dated 07.02.2011 passed by Additional Chief Judicial Magistrate, Panchkula, in case bearing FIR No. 131, dated 19.08.2007 under Sections 279 and 304-A IPC registered at Police Station, Chandimandir, District Panchkula has been upheld, vide which, the accused – petitioner has been convicted and sentenced to undergo RI for a period of one year for commission of offence punishable under Section 304-A IPC and to pay a fine for commission of offence under Section 279 IPC along-with fine to the tune of Rs.1000/- and in default thereof, to

undergo further imprisonment for fifteen days.

2. At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the appellate court. Apart from the fact that petitioner is facing the agony of protracted trial since 2007 after registration of the instant case, who has to look after his wife and two daughters along-with old aged parents. Moreover, petitioner has already suffered incarceration for a period of more than 02 months out of total substantive sentence of one year. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident that the petitioner is also involved in another case under IPC but in that case he is on bail.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while

affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them with no change in fine clause.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

01.04.2024
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(SANDEEP MOUDGIL)
JUDGE

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