

2024:PHHC:143047



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRR No. 1076 of 2024 (O&M)
Date of decision: 04.11.2024

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Riffi Bala Birla, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction and order on quantum of sentence, both dated 29.04.2019, passed by the Court of learned Additional Chief Judicial Magistrate, Fazilka in criminal case arising out of the FIR No. 35 dated 01.04.2017, registered under Sections 279 and 304-A of IPC, whereby the petitioner was held guilty for commission of aforementioned offences and was sentenced to undergo rigorous imprisonment for maximum 02 years with default clause of fine; as well as against the judgment dated 13.03.2024, passed by the learned Sessions Judge, Fazilka whereby while upholding the judgment of conviction as passed by the learned trial Court, the sentence awarded to the petitioner under Section 304-A of IPC, was reduced to one year.

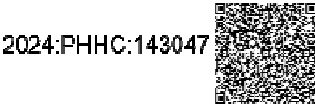
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2. Today, learned counsel for the petitioner has made a statement so as not to press the present revision against the judgment of conviction, passed by the learned trial Court, as well as the judgment passed by the appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioner is neither a previous convict nor any other case is pending against him and so looking into these circumstances, the sentence of the petitioner may be reduced to the period already undergone by him. Learned counsel for the petitioner has placed on record a photocopy of receipt dated 27.07.2017 to show that the petitioner has already deposited the fine of Rs. 5,000/- as imposed by the learned trial Court.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the petitioner has already undergone actual sentence of 07 months and 22 days out of total sentence of 01 year as reduced by the learned lower appellate Court and he is not involved in any other case.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same were based on appreciation of prosecution evidence, proving guilt of the petitioner. However, considering the fact that the petitioner has faced the agony of protracted trial and he has already undergone actual sentence of 07 months and 22 days and is not involved in any other case, which shows that he has improved his character and has joined the mainstream of the society, the order on quantum of sentence dated 29.04.2019 is modified to the extent that the same is reduced to the period already undergone by him.



5. The petitioner is directed to be released from custody forthwith, if he is not required in any other case. His personal/surety bonds be discharged accordingly. Copies of this order be immediately sent to concerned Jail Superintendent as well as trial Court.
6. Since the main petition stands disposed of, pending application, if any, shall also be treated as disposed of.

04.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>