

CRR-1560-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1560-2022 (O&M)
Date of Decision:19.01.2024

Ajit Singh

... Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. B.S. Jaswal, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed against the judgment dated 27.05.2022 passed by the Additional Sessions Judge, Amritsar whereby the appeal filed against the judgment of conviction and order of sentence dated 27.11.2019 passed by the Judicial Magistrate Ist Class, Amritsar, has been affirmed.

2. The FIR in question came to be registered at the instance of Maninder Singh who stated that a private bus being driven in a rash and negligent manner by the petitioner struck a scooter being driven by Gurcharan Singh causing his death and injuries to his pillion rider-Hira Singh.

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3. Pursuant to the registration of the FIR, the report under Section 173(2) Cr.P.C. was submitted and on conclusion of the Trial, the petitioner came to be convicted and sentenced as under:-

Offence under Sections	Sentence RI/SI
304-A IPC	(RI) 02 years
279 IPC	(RI) 06 months
427 IPC	(RI) 01 year

All the sentences were ordered to run concurrently.

4. The accused-petitioner preferred an appeal before the Additional Sessions Judge, Amritsar, which came to be dismissed vide judgment dated 27.05.2022.

5. The aforementioned judgments are under challenge in the present petition.

6. The learned counsel for the petitioner contends that the Courts below have erred in ignoring vital contradictions and irregularities in the statements of the prosecution witnesses. PW-1 Maninder Singh (complainant) had given an incorrect number of the scooter of the deceased. There were significant contradictions and improvements in his cross-examination. Similarly, PW-2/Gurdial Singh and injured-PW/6-Hira Singh were discrepant in material particulars. He, therefore, contends that the judgments of conviction were liable to be set aside and the petitioner ought to be acquitted of the charges framed against him.

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7. The learned counsel for the State, on the other hand, contends that complainant/PW-1-Maninder Singh, PW-2/Gurdial Singh and the injured/PW-6/Hira Singh are consistent with regard to the manner in which the occurrence took place. The discrepancies as pointed out are minor in nature. The medical evidence was totally in consonance with the ocular account. Therefore, the present revision petition was liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. A perusal of the file would reveal that the complainant/PW-1 Maninder Singh, eye-witness/PW-2-Gurdial Singh and the injured-PW-6-Hira Singh are consistent regarding the manner in which the occurrence took place. Further, the medical evidence is totally in consonance with the ocular account. The discrepancies and contradictions pointed out are minor in nature.

10. In view of the above-mentioned discussion, I find no reason to interfere with the well-reasoned judgments of the Trial Court dated 27.11.2019 as well as the Court of the Additional Sessions Judge, Amritsar dated 27.05.2022. Therefore, the present petition stands dismissed.

11, As regards the imposition of sentence, the custody certificate of the petitioner dated 15.01.2024 has been filed today, as per which, he has undergone a total custody of 01 year 07 months and 23 days out of his substantive sentence of 02 years.

12. As the occurrence pertains to the year 2013 and the petitioner has clean antecedents, I deem it appropriate to modify/reduce his substantive

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sentence to the period already undergone by him. However, he shall pay a sum of Rs.25,000/- as compensation to the LRs of the deceased.

(JASJIT SINGH BEDI)
JUDGE

January 19, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No