

Surjit Singh Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 26, 2013

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Bipin Ghai and Mr. Paras Talwar, for the Appellant; Ashish Sanghi, D.A.G. Punjab, for the Respondent

Final Decision: Disposed Off

Judgement

Ram Chand Gupta, J.

The present revision petition has been filed against the judgment dated 20.01.2006 passed by learned Sessions

Judge, Fatehgarh Sahib dismissing the appeal filed by the present petitioner-convict against the judgment of conviction and order of sentence dated

15.07.2005 passed by learned Additional Chief Judicial Magistrate, Fatehgarh Sahib vide which the petitioner has been convicted for the offences

punishable under Sections 279 and 304-A of Indian Penal Code (for short "IPC") and sentenced as under:-

Briefly stated, case of the prosecution is that on 5.8.2001 Harpal Singh alongwith Bhupinder Singh and Amrik Singh was travelling from village

Chakoi to village Malakpur. Complainant was travelling on scooter No. CH-01/7994. Bhupinder Singh and Amrik Singh were travelling on

scooter No. PB-65-0070. When they reached near Malikpur turning, bus bearing registration No. PB-10G/9859 came from Sirhind side, which

was being driven by present petitioner-convict in a very rash and negligent manner and hit against the scooter being driven by Bhupinder Singh.

Both the riders of the scooter fell down. Amrik Singh succumbed to the injuries at the spot. Bhupinder Singh was removed to Civil Hospital,

Fatehgarh Sahib and he succumbed to the injuries in the hospital.

2. After completion of investigation, report u/s 173 of the Code of Criminal Procedure was filed against the petitioner-convict. He faced trial. He

was convicted and sentenced by learned trial Court as aforementioned. Appeal filed by him against the judgment of conviction and order of

sentence was also dismissed by learned Sessions Judge, Fatehgarh Sahib.

3. It has been stated by learned counsel for the petitioner-convict that he does not want to press the present revision petition so far as the judgment

of conviction as passed by learned trial Court and as affirmed by learned appellate Court is concerned.

4. I have gone through both the judgments rendered by learned Courts below. Same are based on evidence. There is nothing as to why this Court

should interfere in the judgment of conviction as passed by learned trial Court and as affirmed by learned appellate Court.

5. So far as the quantum of sentence is concerned, it has been contended by learned counsel for the petitioner-convict that he is a chronic heart

patient as well as chronic diabetic. It is also contended that he had undergone heart surgery in the year 2003. Further contended that he is not a

previous convict. It is further contended that he has been facing agony of trial for the last about 12 years. It is contended that legal heirs of

deceased also got adequate compensation by way of compromise in the petitions for compensation filed under the Motor Vehicles Act, 1988. It is

further contended that petitioner-convict has already undergone one month and seventeen days of sentence after conviction.

6. This factual position has not been disputed by learned counsel for the respondent-State. Custody certificate of the petitioner-convict has been

filed by learned counsel for respondent-State. The same is taken on record.

7. Taking into consideration all these facts, I am of the view that petitioner-convict deserves some leniency in the quantum of sentence. Hence, the

present revision petition is partly accepted. While affirming the judgment of conviction as passed by learned trial Court and as affirmed by learned

appellate Court, the order of sentence is modified to the extent that period of imprisonment for the offence u/s 304-A of IPC is reduced to one

year, while maintaining the fine and sentence for the other offence. Petitioner-convict is directed to surrender before learned trial Court to receive

the remaining sentence.

8. Bail bond of the petitioner-convict stands cancelled. The concerned Chief Judicial Magistrate shall take necessary steps to comply with the

judgment with due promptitude keeping in view the applicability of provision of Section 428 of Code of Criminal Procedure. Disposed of

accordingly.