

**(2013) 09 P&H CK 0326**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Revision No. 446 of 2006 (O and M)

Surjit Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

**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.