

Kehar Singh Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 29, 2013

Acts Referred: Criminal Procedure Code, 1973 (CrPC) & Section 173
Penal Code, 1860 (IPC) & Section 304A

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Ashutosh Hoshiarpuri, for the Appellant; Simsi Dhir Malhotra, 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 17.04.2013 passed by learned Sessions

Judge, Ferozepur dismissing the appeal filed by petitioner-convict against the judgment of conviction and order of sentence dated 17.05.2011

passed by learned Chief Judicial Magistrate, Ferozepur, convicting the present petitioner for the offence u/s 304-A of Indian Penal Code and

sentenced him to undergo rigorous imprisonment for a period of one and half years and to pay a fine of Rs. 3000 and in default of payment of fine

to further undergo rigorous imprisonment for a period of four months. Briefly stated, the case of the prosecution is that on 08.09.2005 at about

6.30 am, complainant alongwith his brother Ram Parsad (deceased) and their co-villager Vadahi Mukhia was coming towards Ferozepur city from

the side of rice sheller. They were about 20 karams behind the truck union, when a motorcyclist came riding on a motorcycle make "Hero Honda"

bearing registration No. PB-22-3084. He was Kehar Singh, present petitioner-convict. He was driving his motorcycle in a very rash and negligent

manner. He could not control his motorcycle and hit Ram Parsad, brother of the complainant from behind. Ram Parsad fell down and sustained

injuries. Later on he succumbed to the injuries on the way to 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 afore-mentioned. Appeal filed by him against the judgment of conviction and order of

sentence was also dismissed by learned appellate Court.

3. It was contended by learned counsel for the petitioner-convict at the time of issuing notice of motion that he did 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.

However, he contended that petitioner-convict deserves some leniency in the quantum of sentence. Hence, notice of motion was issued qua

quantum of sentence only.

4. I have gone through both the judgments rendered by learned Courts below. Same are based on evidence and 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 has been facing

agony of trial for the last about eight years. It is further submitted that he is not a previous convict and is the only bread winner of his family. It is

further contended that petitioner-convict has already undergone about five months of the sentence out of one and half years awarded.

6. 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 rigorous imprisonment is reduced from one and half years to nine

months. Disposed of accordingly.