

(2008) 04 P&H CK 0149

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 274 of 1995

Malkiat Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: April 23, 2008

Acts Referred:

- Penal Code, 1860 (IPC) - Section 279, 304A

Citation: (2008) 3 RCR(Criminal) 474

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Advocate: Arun Jindal, for the Appellant; Mehardeep Singh, AAG, Punjab, for the Respondent

Judgement

Kanwaljit Singh Ahluwalia, J.

The petitioner was convicted by the Court of Judicial Magistrate Ist Class, Patiala, for causing death of Narinder Singh and Jarnail Singh while driving Truck No. PBD-9131 rashly and negligently and thereby committed offence u/s 304-A IPC. He was also convicted for the offence u/s 279 IPC and was awarded sentence of one and a half year and to pay a fine of Rs. 500/-, in default of payment of fine to further undergo rigorous imprisonment for four months.

The petitioner preferred an appeal and the same was declined by the Sessions Judge, Patiala.

2. Aggrieved against the same, the present revision petition was filed in the year, 1995. Learned counsel appearing on behalf of the petitioner has very fairly stated that he will not contest the conviction of the petitioner as the two Courts below have returned a finding of fact that it was due to rash and negligent driving of the petitioner that the accident was caused and will only make his submission regarding quantum of sentence. He has placed reliance upon a judgment of this Court reported as Bir Chand v. State of Haryana, 2003 (3) RCR (Cri) 451 (P&H) to contend

that in that case also there was a protracted trial of 18 years and two persons had died in the accident and sentence was reduced to already undergone. Counsel pray for parity. He has further contended that the petitioner is the only bread earner of the family. His age has been recorded as 25 years in the charge which was framed on 18.09.1991 and now he is more than 43 years and during the pendency of the trial, he has been fastened many liabilities and his children are in the marriageable age. He has further submitted that in the last 18 years, the petitioner has not committed any offence and is leading a life of a peaceful citizen. He has further urged before this Court that no useful purpose would be served by sending the petitioner behind the bar at this stage, however, the families of both the deceased can be compensated by enhancing the fine. I find merit in this contention made by learned counsel for the petitioner. Accordingly, the sentence of fine in this case is enhanced to Rs. 70,000/-. Families of deceased Narinder Singh and Jarnail Singh are entitled to compensation of Rs. 35,000/- each, out of the total fine of Rs. 70,000/- to be deposited by the petitioner. In case fine of Rs. 70,000/- is deposited within three months from today, the substantive sentence shall stand reduced to the period already undergone by the petitioner. It is, however, made clear that in case no fine is deposited, benefit of reduction of sentence shall not accrue to the petitioner and the present revision petition shall stand dismissed.

With these modifications, the present revision petition is disposed off.