

(2013) 09 P&amp;H CK 0475

**High Court Of Punjab And Haryana At Chandigarh****Case No:** CRR No. 2561 of 2013 (O and M)

Ajay Sharma

APPELLANT

Vs

U.T. Chandigarh

RESPONDENT

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**Date of Decision:** Sept. 17, 2013**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 279, 304A, 337, 338

**Hon'ble Judges:** Sabina, J**Bench:** Single Bench**Advocate:** Bhupinder Ghai, for the Appellant; Sukant Gupta, for the Respondent**Final Decision:** Disposed Off

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**Judgement**

Sabina, J.

Petitioner had faced trial qua commission of offence punishable under Sections 279, 337, 338, 304-A of the Indian Penal Code, 1860 ("IPC" for short) in FIR No. 430 dated 6.12.2001 registered at Police Station Sector 34, Chandigarh. The trial Court, vide judgment/order dated 10.7.2010 convicted and sentenced the petitioners qua commission of offence punishable under Sections 279, 337, 338, 304-A IPC. In appeal filed by the petitioner, the Appellate Court upheld the conviction of the petitioner under Sections 279, 337, 338, 304-A IPC but reduced the sentence qua imprisonment of the petitioner to one year u/s 304-A IPC. Hence, the present revision petitions by the petitioner.

2. During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under Sections 279, 337, 338, 304-A IPC but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him.

3. As per the prosecution case, four persons were travelling in the Maruti car and one of the occupants had died, whereas, the other three occupants had suffered injuries. However, none of the injured had been examined during trial. Petitioner

was not a previous convict and was only bread earner of the family.

4. Accordingly, conviction of the petitioner for commission of offence punishable under Sections 279, 337, 338, 304-A IPC is maintained. However, the sentence qua imprisonment of the petitioner, as ordered by the Courts below, is reduced to the period already undergone by him. Petitioner, who is in custody, be set at liberty forthwith, if he is not required in any other criminal case. Fine, as imposed the trial Court is stated to have already been deposited by the petitioner. Petition stands disposed of accordingly.