

CASE NO.:
Appeal (crl.) 369-370 of 2008

PETITIONER:
Major Singh

RESPONDENT:
State of Punjab

DATE OF JUDGMENT: 22/02/2008

BENCH:
C.K. THAKKER & D.K. JAIN

JUDGMENT:
JUDGMENT
O R D E R

CRIMINAL APPEAL NOS.369-370 OF 2008
(Arising out of SLP(Crl.) Nos. 6164-6165/2007)

Delay condoned.

Leave granted.

We have heard learned counsel for the parties.

The appellant herein has been convicted for the offence punishable under Sections 279 and 304-A of the Indian Penal Code (for short, 'the IPC'). The trial Court convicted the appellant and ordered him to undergo rigorous imprisonment for one and half years and to pay fine of Rs. 300/-, in default of payment of fine to further undergo rigorous imprisonment for two months under Section 304-A and to undergo rigorous imprisonment for three months and to pay fine of Rs. 100/-, in default of payment of fine to further undergo rigorous imprisonment for one month under section 279 IPC. The Sessions Court as well as the High Court confirmed the order of conviction and sentence.

The learned counsel for the appellant contended that the Courts below were wrong in recording conviction and imposing punishment on the appellant. In our opinion, so far as the conviction is concerned, the trial Court after appreciating the evidence on record passed an order of conviction and sentence. The Sessions Court as well as the

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High Court confirmed it. So far as the conviction is concerned, we see no reason to interfere with the findings recorded by the trial Court and confirmed by both the Courts.

On the facts and in the circumstances, we are of the view that ends of justice would be met if instead of one and half years, the sentence awarded to the appellant is reduced to the period of one year. Ordered accordingly. So far as payment of fine is concerned, it is not disturbed.

The appeals are allowed to the aforesaid extent.