

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Revn. No. 1936 of 2006 (O&M)
Date of decision : 19.01.2015**

Sanjay KumarPetitioner
versus

State of Haryana ...Respondent

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. R.K. Dahiya, Advocate
for the appellant

Mr. C.S. Bakhshi, Addl.A.G. Haryana

RITU BAHRI , J. (Oral)

Challenge is to the judgment of conviction dated 08.03.2006 and order of sentence dated 09.03.2006 passed by the Judicial Magistrate Ist Class, Sonapat, whereby the petitioner was convicted under Section 304-A/279 IPC and sentenced to undergo rigorous imprisonment for a period of one year and a fine of Rs. 500/- under Section 304-A IPC and was sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.200/- under Section 279 IPC and the sentenced were order to run concurrently; as well as judgment dated 13.09.2006 passed by the Additional Sessions Judge, Sonapat, affirming the conviction and sentence passed by the trial Court.

On 05.06.1997, Head Constable Sajjan Pal along with other police officials was present at Garhi Mor, Kharkhoda in connection with excise checking and patrolling

duty. In the meantime, complainant Vijay came to them and lodged complaint Ex PW4/A stating that he was employed in police department in U.P. He was on leave for a period of one month. He along with his brother Daya Nand and his son Manji Singh had gone to the fields and while returning back, Manjit Singh was going ahead of them and when they reached near the house of Singh Ram, then a jeep bearing No. HR-26-E-2820 came from the back side rashly and negligently and hit Manjit Singh. The driver of the jeep ran away leaving the jeep at the spot. His son Manjeet Singh succumbed to the injuries at the spot. The accused was arrested and thereafter, the challan was presented against him.

Charges were framed under Sections 279/304-A IPC against the accused-petitioner, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined as many as six witnesses.

Statement of accused under Section 313 Cr.P.C was recorded wherein entire incriminating evidence appearing against him was put to him, however, he denied the same.

The trial Court after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioner in the aforesaid terms. It was held

that there is no reason to believe the testimony of P.W.5 to the effect that the accident was caused by accused while driving jeep. The prosecution has been able to prove that the accused was driving the vehicle in rashly and negligently causing the death of Manjit Singh.

Aggrieved by the aforesaid judgment, the accused-petitioner preferred an appeal which was dismissed by the Additional Sessions Judge, Sonapat.

Learned counsel for the petitioner does not challenge the conviction on merits and restrict his prayer to the quantum of sentence.

As per custody certificate dated 15.11.2014, the petitioner has undergone 02 months and 03 days out of the substantial sentence of 01 year awarded to him and no case is pending against him

Learned counsel for the petitioner, however, further contends that the occurrence in this case pertains to the year 1997 and a period of 17 years have already gone by. Petitioner has already suffered the agony of protracted trial, spinning over a period of time. Learned counsel prays that a lenient view be taken against the petitioner. He further submits that keeping in view the facts and mitigating circumstances of the petitioner, some lenience be shown against the petitioner in the matter of sentence.

The petitioner had deposited Rs.50,000/- before

Chief Judicial Magistrate, Sonapat towards compensation and he was released on bail.

Since the necessary compensation had already been paid by the petitioner in the year 2007, no further directions are required to be passed with regard to deposit of compensation amount. Accordingly, the conviction of the petitioner under Sections 279/304-A IPC is upheld but the sentence of the imprisonment awarded to him is reduced to the period already undergone by him.

With the above modification in the matter of sentence, the criminal revision is dismissed on merits.

However, Chief Judicial Magistrate, Sonapat shall sent a report to this Court within a period of two months, with regard to the fact that whether the petitioner had deposited Rs.50,000/- towards compensation and after deposit of Rs.50,000/- whether the amount had been released to the legal heirs of the deceased.

19.01.2015
G Arora

(RITU BAHRI)
JUDGE