

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

CRR-853-2006 (O&M)

Date of Decision: September 2, 2015

Jaswant Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Harish Nain, Advocate
for the petitioner.

Mr.Kuldeep Tiwari, Addl.A.G.Haryana.

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- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

Naresh Kumar Sanghi, J.(Oral)

Challenge in this criminal revision petition is to the judgment, dated 13.04.2006, passed by learned Additional Sessions Judge, Panipat, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 279 and 304-A, IPC, recorded by learned Judicial Magistrate Ist Class, Panipat, was dismissed.

At the very outset, learned counsel for the petitioner submits that he has the instructions to submit that the petitioner does not want to challenge his conviction in view of the concurrent findings recorded by both the Courts below. However, he contends that in view of the fact that the occurrence had taken place in the year 1996; the petitioner has left the job of driving of heavy vehicles; he has a large family to maintain; he did not run away from the spot after the accident; during the trial, appeal before learned appellate Court and the present criminal revision petition before this Court he was granted bail but he did not misuse the said concession; he has already suffered incarceration for 3 months and 1 day as on date; he is neither required nor involved in any other case and that he is ready to pay adequate compensation to the legal representatives of Harbhajan Lal (since deceased), some lenient view may be taken.

Learned counsel for the State has no objection to the first prayer of the learned counsel for the petitioner with regard to non-challenging the conviction of the petitioner. However, he submits that a 35 years old person had lost his life in the accident, therefore, the learned Courts below have already passed

adequate sentence and, as such, there is no much scope for reduction of the sentence in the present case. He has produced an affidavit of the Deputy Superintendent, District Prison, Karnal, showing the period of imprisonment suffered by the petitioner, which is taken on record.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

After perusing the depositions of Wazir Chand (PW1), Dr. Tejinder Kumar (PW2), Dharambir (PW3), Sub Inspector Mohinder Singh (PW4), Constable Prem Singh (PW5), Kuldip Singh (PW6) and Kaul Singh Dahiya, Motor Mechanic (PW7) and also the statement of the petitioner recorded in terms of Section 313, Cr.P.C., this Court finds that the judgment of conviction recorded by learned trial Court and affirmed by learned Additional Sessions Judge, Panipat, are well based and no interference is called for by this Court while exercising the revisional jurisdiction with regard to the conviction of the petitioner for the offences punishable under Sections 279 and 304-A, IPC.

There appears to be substance in the submissions of

the learned counsel for the petitioner that the occurrence had taken place in the year 1996; the petitioner has left the job of driving of heavy vehicles; he has a large family to maintain; he did not run away from the spot after the accident; during the trial, appeal before learned appellate Court and the present criminal revision petition before this Court, the petitioner was granted bail but he did not misuse the said concession; he has already suffered incarceration for 3 months and 1 day as on date; he is neither required nor involved in any other case and that he is ready to pay adequate compensation to the legal representatives of Harbhajan Lal (since deceased).

Affidavit of the Deputy Superintendent, District Prison, Karnal, produced by learned counsel for the State reveals that the petitioner has suffered incarceration for 3 months and 1 day as on date. During his incarceration in the prison, he attempted to mend his ways, therefore, his conduct remained good throughout. During his bail granted by three Courts, he did not misuse the said concession.

Keeping in view the totality of the facts and circumstances of the case, the substantive sentence of the petitioner for the offence punishable under Section 304-A, IPC, is

reduced to rigorous imprisonment for nine months while the sentence awarded under Section 279, IPC, is maintained. Both the sentences shall run concurrently. The petitioner shall also pay ₹50,000/- (Rupees fifty thousand only) as compensation to the legal representatives of Harbhajan Lal (since deceased).

The petitioner shall deposit the amount of ₹50,000/- (Rupees fifty thousand only) before the learned trial Court within two months of passing of this order. Learned trial Court shall secure the presence of the petitioner by issuing adequate warrants to serve out the remaining sentence awarded by this Court. In case the petitioner does not pay the compensation, as imposed by this Court, then the order of sentence passed by learned Courts below shall be maintained. After receipt of the compensation, learned trial Court shall issue notice to the informant/complainant and after identifying the legal representatives of Harbhajan Lal (since deceased), would refund the compensation in equal shares to them.

With the above modification in the order of sentence, the present criminal revision petition is disposed of.

September 2, 2015
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(NARESH KUMAR SANGHI)
JUDGE