

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

(217)

**CRR No.3517 of 2012 (O&M)
Decided on: August 11, 2015.**

Parmod @ Manoj @ Moja

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.D. Yadav, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

It has been informed that the petitioner has compensated the heirs of the deceased and injured as per the order dated 06.05.2013. He has undergone sentence of imprisonment for about 10 months. As per the story of the prosecution while driving MAX vehicle at high speed, the petitioner having not been able to control the vehicle, was himself seriously injured when the vehicle turned turtle. The other occupants received injuries. Death of a person was also caused.

I have gone through the findings of both the Courts below regarding negligent driving on the part of the petitioner.

The conviction of the petitioner is upheld, however, the order of sentence of imprisonment is modified, taking into consideration the fact that the petitioner himself was injured and that he has paid compensation to the affected parties. The following sentence is passed against the petitioner

as I do not find it to be a fit case for release of the petitioner on probation.

For offence under Section 304-A IPC to undergo rigorous imprisonment for a period of one year.

For offence under Section 279 IPC simple imprisonment for four months.

For offence under Section 337 IPC simple imprisonment for four months.

The period already undergone will be set off against the period of sentence awarded. The sentence of imprisonment of fine under Section 304-A IPC is upheld. The amount of compensation paid by the petitioner will be considered as compensation under Section 357 (1) Cr.P.C. In case, after excluding the remission period, some sentence remains to be undergone, the petitioner would be required to undergo the same.

The revision petition is disposed of in the above terms.

(M.M.S. BEDI)
JUDGE

August 11, 2015
harsha