

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 1439 of 2015 (O&M)
Date of Decision: 08.10.2015

Sushil Kumar
.. Petitioner

Vs.

State of Punjab
.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, AAG Punjab.

ANITA CHAUDHRY, J.

Through this petition, the revisionist Sushil Kumar has challenged his conviction under Section 279, 304-A, 337 and 338 IPC. The conviction was recorded in FIR No.147 lodged on 26.07.2009 registered at Police Station Sadar, Phagwara. The Judicial Magistrate 1st Class, Phagwara vide order of conviction and sentence dated 22.04.2014 convicted the petitioner and sentenced him to undergo following imprisonment:-

Under Sections	Simple Imprisonment for a period of	Fine
279 IPC	6 months	Rs. 500/-
304-A IPC	1 year	Rs. 3000/-
337 IPC	6 months	Rs. 500/-
338 IPC	1 year	Rs. 500/-

The judgment was affirmed by the Addl. Sessions Judge,

Kapurthala, vide order dated 06.04.2014. The petitioner was taken in custody. Aggrieved with the same, the accused has preferred the instant petition.

On 08.10.2015 when this revision petition came up for hearing before this Court, learned counsel for the petitioner had confined his submissions to the quantum of sentence imposed upon the petitioner.

I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

Learned counsel for the petitioner submits that the petitioner remained in custody for more than five months and the accident took place in July, 2009 and he has faced a protracted trial for over 6 years. The counsel for the petitioner submits that the petitioner is the only earning member in the family and no other accident had taken place after 2009 and it is by chance that the accident had occurred and the sentence may be reduced to already undergone. Counsel further contends that the petitioner is ready to pay compensation to the legal heirs of the deceased.

The State counsel has opposed the prayer and submits that convict-petitioner drove the car in rash and negligent manner and had caused grievous injuries to Vijay Kumar, Sandeep Thakur, Bhupinder Mishra and 7 to 8 other children and one Arjan Dev had died and the Courts below have already taken a lenient view.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below

convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned, it is noticed that the accident took place in 2009. Considering the entire facts and the circumstances, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner is reduced to six months. However, the petitioner shall pay a sum of Rs.50,000/- to the legal heirs of the deceased as compensation. The amount of compensation shall be deposited within one month from today with CJM, Kapurthala. In default of payment of compensation, the defaulter would undergo imprisonment as awarded by the Court below. The amount of compensation, on realization, shall be paid to the legal heirs of the deceased on identification. On deposit, intimation shall be sent to the legal heirs of the deceased. A copy of this judgment be sent to the Courts below.

With the above modification, the instant revision petition stands disposed of.

October 08, 2015

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**(ANITA CHAUDHRY)
JUDGE**