

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Criminal Revision No.1486 of 2015 (O&M)
Date of Decision: 02.12.2015

Mohinder Kumar
..... Petitioner
Vs.
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Maharaj Kumar, Advocate for the petitioner.
Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State.

JASWANT SINGH, J. (Oral)

The petitioner/convict has filed the present revision directed against the judgment of conviction and order of sentence dated 03.01.2012, passed by the learned Sub Divisional Judicial Magistrate, Rajpura, as also the order dated 11.03.2015, passed by learned Additional Sessions Judge, Fast Track Court, Patiala, upholding the same, while dismissing the appeal of the present petitioner and upholding the conviction and sentence for commission of an offence punishable under Sections 279 and 304-A of the Indian Penal Code (for short 'IPC') in FIR No.281 dated 10.11.2007, registered at Police Station City, Rajpura.

The sentence is as under:-

<i>Sr. No.</i>	<i>Under Sections</i>	<i>Sentence</i>	<i>Fine in ₹</i>	<i>In default</i>
1	279, IPC	To undergo RI for six months	300	To undergo SI for one month
2	304-A, IPC	To undergo RI for one and half years	700	To undergo SI for one month

The awarded fine already stands paid.

Learned Counsel for the petitioner aware of the limited jurisdiction

under revision, does not address any arguments on the merits of conviction, however, in the light of the petitioner being a first offender and that too without any intention coupled with the fact that he is the sole bread earner of his family members prays for grant of benefit of probation for the remaining sentence.

As per the Custody Certificate, it is a conceded position that the petitioner has already undergone actual period of 10 months and 16 days and 1 year and 22 days including remission out of the awarded sentence of 1½ year as on today. Still further, it is submitted that the petitioner is ready and willing to compensate the family of the victims by award of any compensation found reasonable by this Court over and above. They already received fair compensation under the Motor Vehicles Act for the death of the victims in the vehicular accident.

Learned State Counsel in the light of the custody period already undergone and the plea for grant of more compensation, is unable to adequately oppose the grant of probation for the remaining sentence.

Keeping in view the aforesaid circumstances and observations, the present revision petition is, thus, disposed of, by upholding the conviction of the petitioner under Sections 279 and 304-A, IPC, however, in view of the aforesaid mitigating circumstances, the order of sentence is modified to the extent that instead of undergoing the imprisonment for the remaining period, the petitioner shall be released on probation on his executing bonds to the satisfaction of the learned CJM/Duty Magistrate, Patiala, as also deposit of Rs.1 Lac as compensation to be disbursed to the legal claimants of the victims, namely, Prem Singh and Jagjit Singh. The necessary formalities under the Probation of Offenders Act, 1958 shall also be followed.

Disposed of in the above terms.

December 02, 2015

**(JASWANT SINGH)
JUDGE**