

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2015 of 2014 (O&M)
Date of Decision:26.5.2015

Jaspal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. B.S. Sidhu, Advocate for the petitioner.

Mr. P.S. Garewal, DAG, Punjab for the respondent.

NAVITA SINGH, J.

1. On 19.7.2014, it was observed by this Court that the petitioner intended to press the revision petition only on the ground of reduction of sentence. On 17.3.2015, counsel for the petitioner submitted that an amount of Rs.7,25,000/- stood paid to the victim but today he has submitted that the amount was mentioned wrongly. Motor Accident Claims Tribunal had held it to be a case of contributory negligence and the claimant was to receive half the amount. Copy of award was to that extent with interest at the rate of 8% per annum. As per the report from the office of District & Sessions Judge, Faridkot obtained by the petitioner from the Public Information Officer, an amount of Rs.4,02,648/- stood deposited and remitted to claimant Aarshdeep Kaur by way of FDR in her name through guardian.

2. The petitioner had faced trial for the offences punishable under Sections 279 and 338 of the Indian Penal Code (IPC for short). The maximum sentence prescribed under Section 304-A IPC is two years and similar is for the offence prescribed under Section 338 IPC. The petitioner was awarded the maximum sentence of two years under Section 338 IPC.

It is a paradox that an act causing grievous hurt endangering life or personal safety of others and an act causing death of a person by negligence or rashness, entail the same punishment.

3. It is, therefore, felt that the petitioner having undergone more than 11 months of custody by now and the total period including remission being one year and more than two months, request made on behalf of the petitioner for reduction of sentence to the period already undergone in custody, is not unreasonable. However, since the injured had received grievous injury and lost a limb, it is also felt that the amount of fine imposed by the court below, which was Rs.2000/- in all, should be enhanced and paid as compensation to the victim.

4. It is accordingly ordered that the petitioner shall pay fine of Rs.10,000/- over and above the fine already paid by him and the entire amount of fine shall be paid as compensation to the injured by way of a fixed deposit as she is a minor. If the amount of fine is paid by the petitioner, sentence shall stand reduced to the period already spent by him in custody and he shall be released in this case as and when the amount is paid.

5. Copy of this judgment be sent to the complainant at the address given in the FIR.

(NAVITA SINGH)
JUDGE

26.5.2015
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