

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

(219)

**CRR-2099-2015 (O&M)
Decided on: October 06, 2015.**

Ramesh Kumar

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. Manoj Makkar, Advocate, for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

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

The revision petition, lying admitted, is taken up for hearing and final disposal on the request of counsel for petitioner, though today the matter is listed for hearing on sentence.

The petitioner has been convicted by the Courts below under Sections 279 and 304-A IPC and sentenced to undergo rigorous imprisonment for six months and one year respectively with fine of Rs.500/- each on both counts.

The story of the prosecution has been established by PW-1 Rampal father of the deceased Aman, who deposed that on 03.05.2010, when his son had got down from school bus near Shiv Dharamshala Jind, a cruiser jeep driven by the petitioner came from Narwana side in a rash and negligent manner and struck against Aman and slided him for some distance by entangling him in the bumper of the jeep, resulting in his death.

After hearing counsel for the petitioner, I do not find any ground to interfere in the order of conviction.

Taking into consideration the fact that the petitioner has suffered the agony of the trial for the last about five years, I deem it appropriate to interfere in the order of sentence.

I do not find any force in the contention of learned counsel for the petitioner that he has been identified by the witnesses for the first time in the Court and that the witnesses PW-1 Rampal, PW-2 ASI Mahabir Singh and PW-7 Harikesh are the interested witnesses.

No doubt, the petitioner is first offender but taking into consideration the manner in which he has caused the accident without applying brakes, he cannot be granted the relief under Probation of Offenders Act. However, the sentence awarded under Section 304-A IPC can be reduced from one year to six months subject to upholding the fine but awarding compensation of Rs.1,25,000/- to be paid to the family of the deceased as compensation under Section 357 (1) Cr.P.C. Sentence of imprisonment of six months under Section 279 IPC is reduced to four months upholding the fine and for offence under Section 304-A IPC is reduced from one year to six months upholding the fine. In addition to the said sentences, the petitioner is directed to pay compensation of Rs.1,25,000/- to the family members of the deceased. In case, the amount of compensation is not paid, this revision petition will be deemed to have been dismissed. The petitioner will be released, after undergoing the sentence as awarded above, only after compensation of Rs.1,25,000/- is deposited with the Chief Judicial Magistrate, Jind. The amount, if deposited, will be

disbursed to the family members of deceased Aman by issuing notice to the father of the deceased.

Disposed of with the above modifications in the order of sentence.

(M.M.S. BEDI)
JUDGE

October 06, 2015
harsha