

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

**CRR No.2327 of 2015 (O&M)
Date of Decision: 16.10.2015**

Jamal Din

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Mrigank Sharma, Advocate
for the petitioner.

Mr. Deep Singh, A.A.G. Punjab.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist Jamal Din has challenged his conviction under Section 279 and 304-A IPC. The conviction was recorded in FIR No. 151 lodged on 04.09.2012, registered at Police Station Tanda, District Hoshiarpur. The Judicial Magistrate 1st Class, Dasuya convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period of 01 year along with a fine of Rs.500/- for commission of the offence under Section 304-A IPC and rigorous imprisonment for a period of 06 months for commission of the offence under Section 279 IPC, vide orders of conviction and sentence dated

18.02.2015. The judgment was affirmed by the Additional Sessions Judge, Hoshiarpur vide order dated 14.05.2015. The petitioner was taken in custody to undergo the remaining part of sentence. Aggrieved with both the verdicts, the accused has preferred the instant petition.

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

3. During the course of arguments, learned counsel for the petitioner had submitted that petitioner is ready to compensate the legal heirs of deceased and confined his submissions to the quantum of sentence imposed upon the petitioner.

4. Learned counsel for the petitioner submits that the petitioner remained in custody for over five months and the accident took place in September, 2012 and he has faced a protracted trial for more than three years. The counsel for the petitioner submits that the petitioner is 42 years old and the only earning member in the family and no other accident had taken place after 2012 and it is by chance that the accident had occurred and the sentence may be reduced to already undergone.

The State counsel has opposed the prayer and submits that convict-petitioner drove the truck in rash and negligent manner and had caused the death of Rawail Singh and the Courts below have already taken a lenient view.

5. 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 2012. The petitioner has undergone incarceration for a period of over 5 months. There is no other earning member in his family. Therefore, 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.25,000/- to the legal heirs of the deceased as compensation. The amount of compensation shall be deposited within two months from today with CJM, Hoshiarpur. In default of payment of compensation, the defaulter would undergo imprisonment as awarded by the Court below. On deposit of amount of compensation, intimation shall be sent to the legal heirs of the deceased and paid to the legal heirs of the deceased on identification. A copy of this judgment be sent to the Courts below.

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

(ANITA CHAUDHRY)
JUDGE

16.10.2015

'Sunil Sehgal'