

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

**Criminal Revision No.3377 of 2014 (O&M)
Date of decision: 20.02.2015.**

Ram Kishan

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. R.A. Sheoran, Advocate
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana
for respondent No.1 – State.

Mr. Gurcharan Dass, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioner-Ram Kishan faced trial in case FIR No.779 dated 22.12.2005, under Sections 279 and 304-A of Indian Penal Code registered at Police Station City, Rohtak and was convicted for said offences vide judgment dated 12.11.2013 passed by Chief Judicial Magistrate, Rohtak and was sentenced to undergo simple imprisonment for a period of 2 years and to pay fine of ₹10,000/- with

default clause for offence punishable under Section 304-A IPC and simple imprisonment for a period of six months and to pay fine of ₹1000/- with default clause for offence punishable under Section 279 IPC.

Aggrieved against the said judgment of conviction dated 12.11.2013 and order of sentence dated 18.11.2013, the petitioner preferred an appeal before Sessions Judge, Rohtak but the same was dismissed on 05.09.2014 and judgment of conviction and order of sentence passed by the trial Court was upheld.

After losing the case before the two Courts below, the present revision petition has been filed to challenge the judgments of both the Courts by raising various grounds.

Notice of motion in the case was issued on 28.11.2014.

During pendency of the revision petition, a request was made by learned counsel for the petitioner that the petitioner is ready to compensate the family of the deceased in monetary terms and impleaded complainant as party-respondent in the case.

Learned counsel for the petitioner submits that the petitioner has faced the agony of trial since lodging of FIR i.e., 22.12.2005 and has undergone more than 5½ months of actual sentence against total sentence of two years. Learned counsel also submits that the petitioner is ready to pay an amount of ₹1,20,000/- to the family of the deceased, in case the sentence is reduced to the period already undergone.

Learned counsel for respondent No.2-complainant submits that the complainant is ready to settle the dispute and the offer made by learned counsel for the petitioner is acceptable to him. Learned counsel for respondent No.2 also submits that the amount be deposited in the name of minor daughter of the deceased, namely, Kajal by way of fixed deposit and same be encashed by the minor only on attaining the age of majority.

Keeping in view the submissions made by learned counsel for the petitioner as well as counsel for respondent No.2; the fact that the petitioner is ready to compensate the complainant in monetary terms and undertakes to pay an amount of ₹1,20,000/- to the family of the deceased; respondent No.2 has no objection in case, the sentence is reduced to the period already undergone; and the fact that the petitioner has already undergone actual sentence of 5 ½ months against total sentence of 2 years, the conviction of the petitioner is upheld and his sentence is reduced to the period already undergone by him subject to deposit an amount of ₹1,20,000/- by way of draft in the name of minor daughter of the deceased, namely, Kajal, before Chief Judicial Magistrate, Rohtak within a period of two weeks from the date of receipt of certified copy of the order. It is also directed that the amount be deposited in the form of FD, which shall be encashed by the minor on attaining the age of majority.

In case, the petitioner fails to deposit the said amount within the stipulated period, this revision shall be deemed to have

been dismissed and the petitioner shall have to undergo the remaining period of sentence as per judgment passed by the trial Court.

However, the sentence of fine shall remain the same.

The revision petition is disposed of with the modification of sentence by upholding the judgment of conviction.

20.02.2015
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(DAYA CHAUDHARY)
JUDGE