

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

Criminal Revision No.429 of 2015 (O&M).  
Decided on:-August 05, 2015.

Surinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.**

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. Liaqat Ali, Advocate  
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab  
for the respondent-State.

**HARI PAL VERMA, J.**

The petitioner has filed the present revision petition challenging judgment dated 16.12.2014 passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 23.9.2013 passed by the Court of Sub-Divisional Judicial Magistrate, Phillaur in case FIR No.228 dated 29.12.2009 under Sections 279, 304-A and 427 IPC, registered at Police Station, Phillaur, District Jalandhar, was dismissed.

The trial Court vide judgment and order dated 23.9.2013 had

convicted and sentenced the petitioner as under:

| U/S       | Sentence                             | Fine     | In default |
|-----------|--------------------------------------|----------|------------|
| 279 IPC   | Rigorous imprisonment for six months | Nil      | Nil        |
| 304-A IPC | Rigorous imprisonment for one year   | Rs.500/- | 15 days    |

It was, however, ordered by the trial Court that both the sentences shall run concurrently.

Briefly stated, the facts of the prosecution case are that on 29.12.2009, complainant Raj Kumar son of Anokha Ram, resident of village Saifabad, near Panj Peer, Police Station, Phillaur, District Jalandhar got recorded his statement with ASI Kuldeep Raj to the effect that he is a businessman and on that day, he was coming from Ludhiana to Phillaur on his motorcycle on which Tilak Raj was a pillion rider. At about 11.40 a.m. when he was just behind Tri Mohan Hotel, a car bearing No.PB-32-J-7127 came from Ludhiana side and the same was being driven by its driver in a high speed and in a rash and negligent manner and struck the same in a scooter from wrong side, which was being driven by Pran Nath. Due to the impact, Pran Nath fell on the ground and received injuries on his head and other parts of the body. The driver of the car ran away from the spot after leaving the car. They arranged ambulance and went to DMC Hospital, but injured Pran Nath succumbed to his injuries.

On the basis of said statement, aforesaid FIR was registered against the petitioner-accused and he was arrested. On his appearance before the trial Court, copies of documents were supplied to him as provided under Section 207 Cr.P.C.

Finding a prima-facie case under Sections 279/304-A IPC against the accused, he was charge sheeted accordingly to which he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution had examined six witnesses and thereafter, statement of accused under Section 313 Cr.P.C. was recorded by the trial Court. However, no defence evidence was led by the petitioner-accused and the trial Court, after hearing the case, had convicted and sentenced him in the manner described hereinabove.

Against the said verdict of the trial Court, the petitioner had preferred an appeal but the lower appellate Court had affirmed the findings of the trial Court and dismissed the appeal of the petitioner vide judgment dated 16.12.2014.

It is in the aforesaid circumstances, the petitioner has filed the present revision petition.

Learned counsel for the petitioner without arguing the case on merits had confined his arguments qua the quantum of sentence only and, as such, this Court had issued notice of motion on the point of quantum of sentence only vide order dated April 07, 2015.

I have heard learned counsel for the parties and have gone

through the paper book.

Learned counsel for the petitioner contends that against the awarded sentence of one year, the petitioner is in custody since 16.12.2014 and is facing the agony of trial since 29.12.2009, when the case was registered against him. He further submits that the petitioner-accused is a poor person and is the only bread earner of his family. He further contends that the petitioner is a first time offender and prays for a lenient view by considering long pendency of the proceedings as well as the fact that there is no other criminal case pending against him. He, therefore, prays that the sentence of the petitioner be reduced to the period already undergone by him.

Learned counsel for the petitioner further states that the legal heirs of deceased Pran Nath have already been awarded compensation by the Motor Accidents Claims Tribunal under the Motor Vehicles Act, 1988 and have duly been compensated in terms of money.

The Hon'ble Supreme Court in a recent judgment in ***State of M.P. Versus Mehtaab 2015(1) RCR (Criminal) 1008*** has held that when the accused was found guilty of causing death by negligence, the High Court was not justified in reducing sentence of imprisonment to the period of 10 days without awarding any compensation to the legal heirs of the deceased. As such, the Apex Court while modifying the order passed by the High Court had held that the order of the High Court can be upheld only with the modification that the accused will pay compensation of Rs.2,00,000/- to the

heirs of the deceased within six months and in default, he will undergo rigorous imprisonment for six months.

Considering the fact that the petitioner-accused is suffering the agony of trial since 29.12.2009 and as against the total sentence of one year, he has remained in custody for about 7 months and 21 days coupled with the fact that there is no case pending against him, the conviction of the petitioner-accused is upheld but the sentence is reduced to the period already undergone by him. However, this Court, in the light of *Mehtaab's case (supra)* directs the petitioner to pay compensation of Rs.20,000/- to the legal heirs of deceased Pran Nath within three months from today failing which he shall be liable to undergo imprisonment as awarded by the trial Court and affirmed by the lower appellate Court.

With the aforesaid modification, the present revision petition is disposed of and the petitioner-accused is ordered to be released from custody, if not required in any other case.

**August 05, 2015**  
'Yag Dutt'

**(HARI PAL VERMA)**  
**JUDGE**