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

CRR No.3502 of 2013

Date of decision: August 23, 2016

Kulwinder Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. K.S. Sidhu, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

The petitioner was convicted for offences under Sections 279, 304-A, 338 and 427 of Indian Penal Code, 1860 (for short 'IPC') by the trial Court and sentenced to undergo rigorous imprisonment for 2 years along with fine, which sentence was modified by the Appellate Court by acquitting the petitioner for the offence under Section 338 IPC and further bringing down the sentence to one year and 6 months along with fine. The petitioner has already undergone the actual sentence of 3 months.

The parties, i.e. complainant and the petitioner have filed a compromise during this petition. The statements have been recorded by the trial Magistrate pursuant to the order dated 21.01.2015 made by

this Court about the genuineness of the compromise. The offence relates to July 2006, i.e. the date when accident took place. In view of the compromise that has been arrived at between the parties and in view of the nature of incident which took place 10 years before and the petitioner having undergone sentence for more than three months, looking to the entire background, this Court is inclined to make the following order:-

ORDER

- (i) CRR No.3502 of 2013 is partly allowed.
- (ii) The conviction of the petitioner for offence under Sections 279, 304-A and 427 is maintained.
- (iii) However, the order awarding sentence made by the learned Appellate Court as well as trial Court is modified and the sentence is reduced to the one which he has already undergone. The petitioner shall pay fine, if not paid already.

(A.B. CHAUDHARI)
JUDGE

August 23, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No