

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3639 of 2015 (O&M)
DECIDED ON: FEBRUARY 29, 2016

MUSHTAQ

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

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

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

JASPAL SINGH, J (ORAL)

CRM No. 1543 of 2016

By way of instant application preferred under Section 482 Cr.P.C, applicant-petitioner seeks compounding of offence and acquittal or release of petitioner in view of sentence already undergone by him, on the basis of settlement arrived at between the parties.

2. Vide order dated February 02, 2016 parties were directed to appear before learned Chief Judicial Magistrate, Panchkula for getting their statements recorded in respect of compromise.

3. Report of learned Chief Judicial Magistrate, Panchkula has been

received, in which it has been categorically observed that the matter has been compromised amicably between the parties that too, without any pressure, coercion or undue influence and the same appears to be genuine.

Keeping in view the above facts, instant application is allowed and offence under Sections 279 and 304-A IPC are allowed to be compounded, on the basis of compromise.

CRR No. 3639 of 2015

Challenge in this revision petition is to the judgment of conviction dated May 11, 2015 and order of sentence dated May 12, 2015 passed by learned Judicial Magistrate Ist Class, Kalka in a case bearing FIR No. 103 dated September 30, 2012 under Sections 279 and 304-A IPC, registered at Police Station Kalka, whereby petitioner has been convicted under Sections 279 and 304-A IPC and sentenced to undergo RI for a period of one year alongwith fine. The said judgment of conviction and order of sentence was affirmed by learned Sessions Judge, Panchkula vide its judgment dated September 04, 2015.

2. Here, it would be pertinent to mention that at the time of issuance of notice of motion, since no ground was made out for interference in the judgment(s) passed by the Courts below regarding conviction, the notice was issued only qua quantum of sentence subject to petitioner's offer to compensate the heirs of the deceased. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioners is upheld.

3. As far as the quantum of sentence is concerned, learned counsel for

the petitioner has submitted that petitioner is facing the agony of protracted trial since the date of registration of FIR i.e. September 30, 2012. Instead of arguing the matter on merits, he has confined his arguments to the extent that the sentence awarded to the petitioner be reduced to the period already undergone by him particularly when the petitioner has duly compensated the legal heirs of the deceased.

4. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and have gone through the record available on file.

5. Undoubtedly, petitioner is facing the agony of trial since September 30, 2012. This Court cannot ignore the fact that the parties have compromised the matter and legal heirs of the deceased Ved Parkash have duly been compensated in addition to the claim, if any, received by them under the Motor Vehicles Act, 1988. A glance at the custody certificate dated February 28, 2016 makes it crystal clear that by now petitioner has already undergone actual sentence of 05 months and 24 days out of total substantive sentence of 01 year.

6. In the case of **“Sube Singh v. State of Haryana” 2013 (4) RCR (Criminal) 102**, this Court, while invoking the powers as envisaged under Section 482 Cr.P.C, has held that the High Court is vested unparallel power to quash criminal proceedings at any stage to secure ends of justice and allowed the compounding of offence which was otherwise non-compoundable.

7. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged the conviction on merits, this Court feels that ends of justice would be met in case the conviction of the petitioner is upheld but the sentence awarded to him is reduced to the period already

undergone by him.

8. Accordingly, the conviction of the petitioner is upheld but the sentence is reduced to the period already undergone by him.

9. Perusal of the records reveals that the fine, as imposed by learned trial Court, has already been paid by the petitioner. As such, he is ordered to be released forthwith, if not required in any other case.

10. With the aforesaid modification, instant revision petition stands dismissed.

FEBRUARY 29, 2016
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(JASPAL SINGH)
JUDGE