

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2575-2016 (O&M)
Date of Decision : 06.12.2016

Darshan

....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Chand Ram Olla, Advocate,
for the petitioner.

Mr. C.S. Bakhshi, Additional A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner has been convicted by the Courts below for having caused death of Krishan Kumar on 14.09.2006, by driving a truck in a rash and negligent manner. The tyre of the truck driven by the petitioner allegedly crossed over the abdomen of the deceased. The conviction order has been passed on the basis of the fair appreciation of evidence.

On asking of the Court, learned counsel for the petitioner informs that the heirs of the deceased have been granted compensation by the Motor Accident Claims Tribunal, Hisar.

The petitioner was asked, if he could pay to the heirs of

deceased any additional amount to the amount already awarded by the Motor Accident Claims Tribunal, but the petitioner has expressed his inability to pay any additional compensation.

The petitioner has been facing trial for the last more than ten years and is undergoing sentence of imprisonment awarded in this case since 14.07.2016.

I do not find any ground to interfere in the order of conviction on appreciation of evidence. However, taking into consideration the fact that the petitioner has been facing agony of the trial for the last so many years, the sentence of imprisonment can be reduced subject to the petitioner paying a nominal compensation to Shakuntla, wife of the deceased, who is to look after two minor daughters, namely Anju and Manju, though they have been granted some compensation by Motor Accident Claims Tribunal, Hisar, on 11.06.2008.

The revision petition is disposed of with the observation that in case petitioner deposits a sum of Rs. 50,000/- with the convicting Court/successor Court, within a period of two months from today, his sentence of imprisonment under Section 304-A I.P.C. would be deemed to have been reduced from one year to nine months, whereas the sentence of imprisonment of fine under the aforesaid section would be deemed to have been enhanced from Rs. 2,000/- to 52,000/-. The sentence awarded under Section 279 I.P.C. would remain intact.

It is made clear that the amount of Rs. 50,000/-, if deposited, will be considered as the amount of compensation under

Section 357 (1) Cr.P.C., and would be payable to Shakuntla, wife of deceased Krishan Kumar.

In case the amount is not deposited as directed above, the present petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

December 06, 2016
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No