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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 4004 of 2015 (O/M)

Date of decision : 30.5.2016

Anil Rana

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Divya Sharma, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, Assistant A.G. Punjab.

Respondent No. 2 in person with Mr. A.S. Manaise, Advocate.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

This revision has been filed against the judgment dated 16.9.2015, passed by the learned Additional Sessions Judge, Gurdaspur, affirming the judgment of conviction and order of sentence dated 21.8.2014, passed by the learned Judicial Magistrate 1st Class, Gurdaspur, vide which the present petitioner was convicted under Section 304-A IPC and was sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs. 1,000/- in default thereof, to further undergo rigorous imprisonment for one month.

At the time of arguments, the revision has been pressed only on the point of quantum of sentence.

The allegations against the petitioner are that accused, while

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driving car bearing registration No. PB-02-AW-6869, struck against the motorcycle and cyclist and dragged them. As a result of which, Kamlesh Devi wife of Kartar Singh as well as Kanwar Vikas son of Kartar Singh died. The notice of the revision was issued to Kartar Singh (complainant), who is husband of Kamlesh Devi and father of Kanwar Vikas. He has stated that he has got another son, who is also the legal heir of Kamlesh Devi, but he does not agree for compromise with the accused. However, he (Kartar Singh) agrees for compromise with the accused.

In this case, the petitioner has deposited the draft bearing No. 464832, dated 1.3.2016, for Rs. 1,00,000/- with this Court on 3.3.2016 for payment of compensation to the legal heirs of the deceased. The same has been ordered to be kept in the safe custody of Registrar (Judicial) of this Court. Since only one of the legal heirs of the deceased agrees for compromise and the other legal heir does not agree for the same, therefore, it cannot be said that the matter has been amicably settled with all the legal heirs of the deceased.

The learned counsel for the petitioner contends that the sentence of the petitioner be reduced in view of the fact that the complainant does not oppose the same.

In view of the facts and circumstances and keeping in view the manner of accident and the fact that two persons lost their life, the sentence passed under Section 304-A IPC is reduced from two years to one year and three months, whereas the remaining part of the sentence is maintained. The additional compensation of Rs. 1,00,000/- deposited by the petitioner be disbursed to Kartar Singh (complainant). The Registrar (Judicial) of this Court is to comply.

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With the abovenoted modification, the present revision is
dismissed.

(KULDIP SINGH)
JUDGE

30.5.2016
sjks