

Criminal Revision No.4367 of 2015 (O&M)
Date of decision: 04th March, 2016

Ajay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sudesh Kumar, Advocate,
for the petitioner.

Mr. Himmat Singh, DAG, Haryana,
for the respondent(s)-State.

INDERJIT SINGH, J.

Ajay Kumar petitioner has preferred the instant petition against respondent-State of Haryana, impugning the judgment of conviction dated 28.02.2012 and order of sentence dated 29.02.2012, passed by the learned Judicial Magistrate Ist Class, Kurukshetra vide which he has been held guilty for the commission of offence punishable under Sections 279 and 304-A IPC and sentenced him to undergo rigorous imprisonment for a period of 06 months and to pay a fine of Rs.500/- under Section 279 and further to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.2,000/- under Section 304-A IPC and also against the judgment dated 23.10.2015, passed by the learned Addl. Sessions Judge, Kurukshetra, vide which the appeal filed by the petitioner against the aforesaid judgment of conviction and order of sentence has been dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not press the concurrent findings of conviction. He only prayed for reduction of sentence.

Notice of motion only qua quantum of sentence was issued.

Learned State counsel appeared and contested the instant petition.

Today again, learned counsel for the petitioner prays for reduction of sentence of the petitioner and that the petitioner is ready to pay the compensation. He further states that the petitioner is a poor person and is the only bread earner of his family. He states that the petitioner is the first offender.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and the facts that the petitioner is a poor person; he is the only bread earner of his family and he is suffering from the long protracted criminal trial since 2007, the sentence of the petitioner under Section 304-A IPC is reduced to the period of 10 months from 01 year, subject to depositing of Rs.50,000/- as compensation which shall be deposited before the learned trial Court within 01 month and the same is payable to the legal representatives of the deceased. The remaining sentence under Section 279 IPC as well as sentence of fine and in default thereof under Sections 279 and 304-A IPC shall remain the same.

With the aforesaid modification, the instant petition stands dismissed.