

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

Crl. Rev. No.859 of 2014 (O&M)

Date of Decision: 30.03.2016

Braham Parkash

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Mohit Malik, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

The present revision petition has been filed by petitioner-Braham Parkash to challenge the judgment of conviction and order of sentence dated 03.09.2013 passed by the trial Court as well as judgment of lower Appellate Court dated 19.02.2014, whereby, the judgment of the trial Court has been upheld.

The petitioner was convicted for an offence punishable under Sections 279 and 304-A IPC and was ordered to undergo simple imprisonment for a period of six months under Section 279 IPC and further to undergo simple imprisonment for a period of two years with fine of ₹ 500/- under Section 304-A IPC with default clause. Both the sentences were ordered to run concurrently.

The said judgment of trial Court was challenged by the

petitioner by way of filing an appeal, which was also dismissed vide order dated 19.02.2014 passed by the Additional Sessions Judge, Fast Track Court, Patiala.

The petitioner, after losing his battle before the two Courts below, has filed the present revision petition.

On 04.08.2014, learned counsel for the petitioner contended that the petitioner is ready to compensate the complainant-aggrieved party in monetary terms and as such, he was directed to deposit an amount of ₹ 50,000/- before the Registry of this Court, which was subsequently deposited. The revision petition was admitted on 03.09.2014 and sentence of the petitioner was ordered to remain suspended during the pendency of revision petition.

Learned counsel for the petitioner submits that the petitioner is facing the agony of trial since the lodging of FIR i.e 16.12.2007. He further submits that the petitioner is a poor person and is having a large family to support.

Learned counsel for the petitioner prays for taking a lenient view by reducing the sentence of the petitioner to the period already undergone i.e two months and thirteen days .

Learned counsel for the respondent-State submits that in case, the petitioner is ready to compensate the aggrieved party then his sentence may be reduced to the period already undergone.

Heard the arguments of learned counsel for the parties and have also perused the judgments of both the Courts below.

I find no reason to interfere with the findings recorded by both the Courts below with regard to conviction but by considering the submissions made by learned counsel for the petitioner and also the fact that the petitioner is facing the agony of trial since the lodging of FIR

ie. 16.12.2007; he is also ready to compensate the aggrieved party and is having no criminal background and has a large family to support, the request is accepted and sentence of the petitioner is reduced to the period already undergone subject to his depositing an amount of ₹ 50,000/- with the trial Court by way of draft, within a period of one month from the date of receipt of certified copy of this order, which shall further be handed over to the legal representatives of the deceased.

The petitioner is on bail as his sentence has already been suspended vide Order dated 03.09.2014. The conviction is upheld and the revision petition is disposed of with the said modification in sentence.

30.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE