

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

1. **Crl. Revision 1234 of 2008**
Date of Decision : January 27, 2017

Rambir

.....Petitioner

VERSUS

State of Haryana

.....Respondent

2. **Crl. Revision 1265 of 2008**

Ajit

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Bijender Dhankhar, Advocate
for the petitioner(s).

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

None for the complainant.

T.P.S. MANN, J. (Oral)

Rambir and Ajit were tried for committing offences punishable under Sections 279, 337, 338 and 304-A IPC. Vide judgment and order dated 22/23.10.2007, learned Chief Judicial Magistrate, Jind convicted them for the aforementioned offences and sentenced them as under:-

- i) Rigorous imprisonment for six months and to pay a fine of Rs. 500/- each for the offence under Section 279 IPC and in default of payment of fine, to undergo simple imprisonment for one month;
- ii) Rigorous imprisonment for six months and to pay a fine of Rs. 500/- each under Section 337 IPC and in default of payment of fine, to undergo simple imprisonment for one month;
- iii) Rigorous imprisonment for one year and to pay a fine of Rs. 500/- each under Section 338 IPC and in default of payment of fine, to undergo simple imprisonment for one month; and
- iv) Rigorous imprisonment for two years and to pay a fine of Rs. 2,000/- each and in default of payment of fine, to undergo simple imprisonment for three months.

All the substantive sentences were ordered to run concurrently. The fine imposed was deposited by them there and then.

Aggrieved of their conviction and sentences, both Rambir and Ajit preferred separate appeals. Vide judgment dated 14.7.2008, learned Additional Sessions Judge-III, Jind found no merit in the two appeals and, accordingly, dismissed them. Still not satisfied, Rambir filed Criminal Revision 1234 of 2008 whereas Ajit filed Criminal Revision 1265 of 2008 in this Court.

Both the revision petitions came to be admitted on 8.9.2008 and they were granted the concession of bail.

According to the prosecution, on 14.4.1998, complainant-Pardeep hired two TATA Sumo vehicles for going to village Bass in order to take part in the marriage ceremony of his elder brother Raghbir Singh. At about 9.00 a.m., complainant-Pardeep alongwith others boarded those vehicles. TATA Sumo bearing registration No. DL6CA-7602 was being driven by Ajit whereas the other TATA Sumo bearing registration No. DL1Y-4195 was driven by Rambir. Both the accused started driving their respective vehicles in a rash and negligent manner and endangering the human life and the personal safety of others. When they reached in the area of village Bibipur, they, in the process of overtaking struck their respective vehicles against each other and caused the accident. As a result, complainant-Pardeep, Karambir, Dalbir and Surender Singh received injuries. The injured were shifted to General Hospital, Jind for treatment. Since Karambir was in critical condition, he was referred to PGIMS Rohtak where he succumbed to his injuries.

It may be mentioned here that when the two revisions came up for preliminary hearing initially, this Court was of the view that there appeared to be scope of interference in the sentence awarded to the petitioners. Learned counsel for the petitioners

has, accordingly, not challenged the conviction of the petitioners for the offences under Sections 279, 337, 338 and 304-A IPC. He has, however, submitted that the petitioners are facing the agony of criminal prosecution for the last about 19 years. When they were heard by the learned trial Court on the quantum of sentence, they had stated that they were poor persons and required to look after their respective families. They were not previous offenders. Learned counsel for the petitioners has, further, submitted that complainant-Pardeep, Surender Singh and Dalbir, who had received injuries in the accident in question, have already collected an amount of Rs. 80,000/-, Rs. 60,000/- and Rs.40,000/- respectively as compensation in their petitions preferred under Section 166 of the Motor Vehicles Act, 1988. Even Zile Singh and Smt. Birmati, parents of Karambir deceased, were awarded a sum of Rs. 2,50,000/- as compensation in their petition under Section 166 of the Act. In this regard, he has placed on record certified copies of the awards passed by the Presiding Officer (MACT), Lok Adalat Camp at Jind on 20.11.2004. It is also submitted that both the petitioners have already undergone sentence of more than two months each. They are on bail pursuant to the order passed by this Court on 8.9.2008. There is no allegation that they have misused the concession in any manner. Prayer has, accordingly, been made

for setting aside their remaining sentences of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that on account of rash and negligent driving of the two petitioners, four persons had received injuries and out of them, Karambir, who had received serious injuries, had died.

Custody certificates have already been brought on record by learned State counsel. As per the same, Rambir petitioner has undergone actual sentence of two months and one day whereas Ajit petitioner has undergone two months and two days. None of them is shown to be either involved or convicted in any other case.

On 16.11.2016, when the revision petitions had come up for hearing, learned counsel for the petitioners stated that the petitioners were ready and willing to pay a sum of Rs. 50,000/- each by way of compensation to the parents of Karambir. He, however, requested for an adjournment so that the petitioners could arrange necessary funds.

On the last date of hearing, the petitioners came present in person and stated that they had arranged the amount of Rs. 50,000/- each to be paid by way of compensation to the parents of deceased-Karambir. Accordingly, while adjourning the hearing of the revision petitions for today, this Court directed the petitioners to appear in the Court of learned Chief Judicial

Magistrate, Jind and deposit the aforementioned amount of Rs.50,000/- each. Pursuant to the same, learned counsel for the petitioners has produced the receipts Nos.70633 and 70632 dated 17.1.2017 issued by learned Chief Judicial Magistrate, Jind showing the deposit of amount of Rs. 50,000/- each by Rambir and Ajit petitioners, respectively.

Having heard learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioners behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice shall be suitably met, if their substantive sentences of imprisonment are reduced to the one already undergone by them. At the same time, the amount of Rs. 50,000/- deposited by Rambir petitioner and similar amount by Ajit petitioner can be directed to be paid to the parents of deceased Karambir, as compensation.

Resultantly, the conviction of the petitioners under Sections 279, 337, 338 and 304-A IPC is upheld and their substantive sentences of imprisonment are reduced to the period already undergone by them. The fine imposed upon the petitioners by the learned trial Court is upheld. Further, the amount of Rs. 50,000/- deposited by Rambir petitioner and similar

amount by Ajit petitioner be disbursed in favour of Zile Singh son of Ram Kishan and Smt. Birmati wife of Zile Singh, residents of village Jagsi, Police Station Baroda, District Sonapat, parents of deceased Karambir, or either of survivor, as compensation. In any other eventuality, the entire sum of Rs. 1,00,000/- shall be released in favour of the surviving legal heirs of deceased-Karambir.

Both the revisions are, accordingly, disposed of.

January 27, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No