

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRR No. 2218 of 2009

Date of Decision: 13.01.2017

Banwari Lal

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rahul Vats @ Rahul Gorakh Nath, Advocate,
for the petitioner.

Mr. Vikas Chopra, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the judgments of the learned courts below convicting the petitioner for an offence punishable under Section 304-A as also under Section 279, IPC, further substantially sentencing him two years rigorous imprisonment, are sought to be set aside.

The merits of the matter apart, vide order dated 02.08.2016, passed by this Court, it had been recorded that a compromise had been arrived at between the parties, i.e. the present petitioner and the complainant, who is the father of the deceased boy who died in the accident that had occurred with the vehicle driven by the petitioner. Consequently, the parties were directed to appear before the learned Chief Judicial Magistrate, Narnaul, to get their statements recorded in support of the compromise deed (a copy of which is also on the record of this petition, having been submitted earlier to this Court by learned counsel for the petitioner).

Pursuant to the order, the report of the learned Chief Judicial Magistrate, has been received, in which it is stated that the complainant

(Rameshwar Dayal) had suffered a statement on oath that he has compromised the matter with the present petitioner, Banwari Lal. As per the report of the learned Chief Judicial Magistrate, the compromise entered into was without any compulsion or duress.

Learned counsel for the petitioner further points to the compromise deed dated 27.07.2016, in which other than the complainant (Rameshwar Dayal), the mother of the deceased, i.e. the wife of Rameshwar Dayal, Smt. Savitri Devi, and a brother of the deceased, Surender Kumar, are also seen to have appended their thumb impressions/signatures.

The said compromise deed is taken on record as Exhibit CR-1.

Thus, a perusal thereof shows that the family members of the deceased and the petitioner have compromised the matter and the complainant has no further grievance against the petitioner.

In view of the above, though obviously the negligence in causing the accident leading to the death of a young boy is a serious offence, however, seen that the aggrieved family has also compromised the matter with the petitioner, the petition is allowed to the extent that the sentence imposed upon the petitioner, for the commission of the aforesaid offences, is reduced to the period of imprisonment already undergone by him, subject to payment of the fine imposed upon him, of Rs. 5,000/-, which is stated to have not been paid so far. The same shall be paid within one month before the learned trial Court, failing which this order would be deemed to not have been passed and this petition would be revived, to be heard on its own merits.

(AMOL RATTAN SINGH)
JUDGE

January 13, 2017
nitin

Whether speaking/reasoned

Yes

Whether Reportable

No.