

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2250-2014 (O&M)
Date of decision: 04.07.2017

Satbir

.....Petitioner

versus

The State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.A.K.Singh Goyat, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Custody certificate dated 3.7.2017 filed in Court is taken on record.

Vide judgment dated 8.8.2011 passed by learned Judicial Magistrate First Class, Narnaul, the present petitioner was convicted for commission of an offence under Sections 279 and 304A IPC and sentenced to undergo Simple Imprisonment for three months and to pay a fine of Rs.250/- under Section 279 IPC and Rigorous Imprisonment for one year and to pay a fine of Rs.500/- under Section 304A IPC. In default of payment of fine, the accused was to undergo further Simple Imprisonment for two months. Both the sentences were directed to run concurrently.

Appeal against the aforesaid judgment was dismissed by learned Additional Sessions Judge, Narnaul vide judgment dated 15.7.2014.

I have heard learned counsel for both the parties and have also carefully perused the file.

Before this Court, the only prayer made by learned counsel for

the petitioner is for concession in the quantum of sentence. Custody certificate shows that the petitioner has already undergone actual sentence of three months and 17 days and with remissions five months and 21 days as on 3.7.2017.

Learned counsel for the petitioner has further contended that vide order dated 1.11.2014, the petitioner was released on interim bail by a Coordinate Bench on the condition of payment of Rs.one lakh to the wife of the deceased in the shape of the bank draft over and above the compensation already awarded by the Motor Accident Claims Tribunal. It is stated that the petitioner has deposited the draft with the learned Chief Judicial Magistrate concerned. Therefore, prayer has been made for showing leniency in the sentence.

Considering the fact that in view of the order passed by a Coordinate Bench, the petitioner has already deposited bank draft of Rs.one lakh, the sentence of Rigorous Imprisonment for one year under Section 304A IPC is reduced from one year to nine months, while remaining part of the sentence is maintained. Sentence under Section 279 IPC is also maintained. He be committed to jail to undergo remaining sentence.

With the above noted modification, the present revision petition is dismissed.

Learned Chief Judicial Magistrate, Narnaul is directed to hand over the bank draft of Rs.one lakh to the wife of the deceased.

04.07.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No