

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

CRR No.2552 of 2016 (O&M)

Date of Decision: 18.04.2017

Kultar Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

Mr. R. D. Yadav, Advocate
for respondent No.2.

DEEPAK SIBAL J. (ORAL)

Learned State counsel has filed custody certificate of the petitioner, which is ordered to be taken on record. A copy of the same has been handed over to learned counsel for the petitioner.

For having committed offences under Sections 279, 337 and 304-A IPC and Section 196 of Motor Vehicles Act, 1988 (for short 'the Act') the petitioner was tried and convicted. He was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1000/- for the commission of offence punishable under Section 279 IPC; to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- for the commission of offence punishable under Section 337 IPC and to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.12,500/- for the commission of offence punishable under Section 304-A IPC. Fine of Rs.1000/- was also imposed for commission of offence punishable under Section 196 of the Act. The sentences were ordered to run concurrently.

The petitioner's appeal against the afore-referred conviction and sentence was dismissed by the Sessions Judge, Rewari giving a cause to the petitioner to move this Court through the present petition.

The order sheets reveal that on August 23, 2016, on prayer made by learned counsel for the petitioner, to interfere in the quantum of sentence, this Court had issued notice to the State and in the meanwhile, directed the learned counsel for the petitioner to seek instructions if the petitioner was ready to pay any additional amount to the heirs of the deceased as compensation. On December 5, 2016, this Court was of the opinion that there was scope for interference in the reduction of the awarded sentence provided the petitioner, was willing to compensate the heirs of the deceased, in addition to the amount already awarded by the Motor Accident Claims Tribunal. The matter was adjourned to 01.02.2017 and the petitioner was directed to bring a bank draft of Rs.1 lakh in the name of the minor child of the deceased. On the next date of hearing, when learned counsel for the petitioner produced a bank draft of Rs.1 lakh in favour of the minor child of the deceased, on oral request, the complainant was ordered to be impleaded as a respondent and notice was issued, in pursuance to which, Mr. Ram Darshan Yadav, Advocate has put in appearance on behalf of the complainant.

Seeking reduction in the awarded sentence, learned counsel for the petitioner submits that the petitioner is a retired employee from a Government Corporation; is a senior citizen being over 62 years of age; has not been involved in any other criminal case; has two daughters and one son; has already undergone over one year of sentence and is willing to compensate the minor son of the deceased for a sum of Rs.1 lakh.

Learned counsel for the State has raised no serious objection if the above prayer made by the petitioner is allowed. Same is the case with regard to the counsel appearing on behalf of the complainant/respondent No.2, who rather submits that the complainant has no objection if the above prayer made by the petitioner is allowed provided the petitioner compensates the minor son of the deceased to the tune of Rs.1 lakh.

A bank draft for an amount of Rs.1 lakh favouring the son of the deceased has been handed over by learned counsel for the petitioner to the counsel for the complainant.

Considering the fact that the petitioner is a retired employee from a Government Corporation; is a senior citizen being over 62 years of age; is not involved in any other criminal case; has already undergone over one year of the total awarded sentence of two years; has two daughters and one son and has suitably compensated the minor son of the deceased, I am of the opinion that the ends of justice would be met if the sentence of the petitioner is reduced to the period of sentence already undergone by him. This would also be in the line of the judgment of Apex Court in *State of Punjab Vs. Saurabh Bakshi 2015 (5) SCC 182*.

In view of the above, the awarded sentence of the petitioner is directed to be reduced to the period already undergone by him.

The petition stands disposed of in the above terms.

April 18, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No