

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRR-4313-2016

Date of Decision: 30.01.2017

Shiv Raj

.....Petitioner

vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. R.S. Randhawa, Addl. A.G., Punjab.

Ms. Manjeet Kaur Singhal, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the judgments of the learned Judicial Magistrate Ist Class, Jalandhar and the appellate Court, have been challenged, the petitioner herein having been convicted and sentenced by the trial Court for a period of three months for the commission of an offence punishable under Sections 279 IPC, and for a period of two years and a fine of Rs. 500/- (in default of payment of fine, to further undergo rigorous imprisonment for fifteen days), for the commission of an offence punishable under Section 304-A IPC.

Today, Mr. P.S. Ahluwalia, learned counsel for the petitioner has relied upon a judgment of the Supreme Court in **Puttaswamy** vs. **State of Karnataka** 2009 (1) R.C.R. (CrI.) 501, to submit in terms of the

following observations of their Lordships:-

“What emerges from all these decisions is that even if an offence is not compoundable within the scope of [Section 320](#) of Code of Criminal Procedure the Court may, in view of the compromise arrived at between the parties, reduce the sentence imposed while maintaining the conviction. In the present case, the appellant has been convicted under [Sections 279](#) and [304-A](#) of the Indian Penal Code and has been sentenced to undergo simple imprisonment for a period of 6 months and to pay a fine of Rs.2,000/-. The sentence as far as conviction under [Section 279](#) I.P.C. is concerned has been set aside by the High Court. What remains after the judgment of the High Court is the conviction under [Sections 279](#) and [304-A](#) I.P.C. wherein the appellant was sentenced to undergo six months simple imprisonment along with a fine of Rs.2,000/-. In our view, this is one of those cases where instead of confining the appellant in prison, the interest of justice will be better served if he is made to compensate the family of the deceased on account of the loss suffered by them.”

Mr. Ahluwalia submits that the petitioner confines his prayer to question of the quantum of sentence imposed.

In view of the above, in the present case, since the matter is stated to have been compromised between the parties, i.e. the complainant Inderjit Singh, who is stated to be the son of the deceased, and the appellant as per the compromise deed (Anneuxre P-1), with the complainant stating to the effect that he has no objection if the petitioner is acquitted on the charges framed against him, the judgment of the hon'ble Supreme Court relied upon hereinabove by learned counsel for the petitioner would, in the opinion of this Court, come to his rescue.

Therefore, also keeping in view the fact that the legal heirs of the deceased, including the complainant, are shown to have been paid compensation by the petitioner/his employer in terms of the Award of the learned MACT, Jalandhar, dated 06.12.2012, I consider it appropriate to allow this petition to the extent of reducing the sentence of the petitioner to

the extent of imprisonment already undergone by him, while maintaining his conviction for the commission of offences punishable under Sections 279/304-A IPC.

The petition is accordingly disposed of.

(AMOL RATTAN SINGH)
JUDGE

January 30, 2017
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Whether speaking/reasoned	Yes
Whether Reportable	No.