

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1373 of 2017 (O&M)
Date of Decision: 05.07.2017

MITTAL KUMAR *...Petitioner*

VS.

STATE OF HARYANA *...Respondent*

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Aditya Sanghi, Advocate,
 for the petitioner.

 Mr. R.K. Makkad, DAG, Haryana.

 Mr. Ram Darshan Yadav, Advocate,
 for the complainant.

KULDIP SINGH, J. (ORAL)

Heard.

Brief facts of the case are that vide judgment dated 15.09.2015, the petitioner was convicted and sentenced by the learned Judicial Magistrate 1st Class, Kosli under Sections 279 and 304-A to undergo the sentence as under: -

<i>SECTION (S)</i>	<i>PUNISHMENT</i>
<i>279 IPC</i>	<i>6 months rigorous imprisonment to the convict/accused alongwith fine of ₹ 250/- in case of non-payment of fine he shall further undergo simple imprisonment for 10 days.</i>
<i>304-A IPC</i>	<i>18 months rigorous imprisonment for the convict alongwith fine of ₹ 1,000/- in case of non-payment of fine he shall further undergo simple imprisonment for one month</i>

It was further ordered that both the sentences of the petitioner shall run concurrently. It comes out that the appeal against the said judgment was dismissed vide order dated 03.04.2017 passed by the learned Additional

Sessions Judge, Rewari. This is how the present revision has been filed by the accused-petitioner.

The short prayer made in this revision petition is to show leniency in the sentence of the petitioner.

In this case, one Saraswati Devi wife of Surender Kumar died as a result of rash and negligent driving of dumper bearing registration No. HR-55E-3061 by the accused-petitioner.

Learned counsel for the complainant-Surender Kumar has no objection if the sentence of the petitioner is reduced. However, the request of the petitioner for showing any leniency in his sentence has been opposed by the learned State counsel.

Considering the facts and circumstances of the present case and in view of the fact that the complainant has no objection, the sentence of the petitioner i.e. rigorous imprisonment for 18 months under Section 304-A IPC is hereby ordered to be reduced to rigorous imprisonment for 12 months. However, the remaining part of the sentence under Section 304-A and 279 IPC be maintained.

With this modification in the quantum of sentence, as indicated herein above, the revision petition stands dismissed.

July 5, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned : ✓

Yes / No

Whether Reportable :

Yes / No ✓