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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR-2768-2017(O&M)
Date of Decision: 07.12.2017**

Shoukat Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Raghav Sharma, Advocate,
for the complainant.

SUDIP AHLUWALIA J. (ORAL)

In this revision petition, the petitioner seeks setting aside the order dated 29.04.2016 passed by Ld. Judicial Magistrate First Class, Kapurthala and the judgment dated 17.07.2017 passed by Ld. Additional Sessions Judge, Kapurthala, on the basis of compromise arrived at between himself and the Legal Representatives of the victim.

[2]. During pendency of petition, the petitioner/convict has arrived at a settlement with the victim's family. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate First Class, Kapurthala, vide report dated 28.10.2017 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. In “State of Punjab Vs. Saurabh Bakshi” 2015(2) RCR (Criminal) 495, which was a case of causing death of two persons by rash and negligent driving, the Hon'ble Supreme Court while setting aside the order of the High Court reducing the sentence awarded to the accused respondent to that already undergone (24 days), in a case where two victims have been killed, ultimately reduced it to six months after observing inter alia -

“17.In our opinion, it is a fit case where we are constrained to say that the High Court has been swayed away by the passion of mercy in applying the principle that payment of compensation is a factor for reduction of sentence to 24 days. It is absolutely in the realm of misplaced sympathy. It is, in a way mockery of justice. Because justice is “the crowning glory”, “the sovereign mistress” and “queen of virtue” as Cicero had said. Such a crime blights not only the lives of the victims but of many others around them. It is ultimately shatters the faith of the public in judicial system. In our view, the sentence of one year as imposed by the trial Magistrate which has been affirmed by the appellate Court should be reduced to six months.”

[4]. This Court in CRR No.188 of 2017 titled as “Gaurav Jain Vs. State of Punjab” in similar situation where the convict for the offence under Section 304-A had arrived at compromise with the victim's family, had allowed his sentence to be reduced to the extent already undergone by him, which in that particular case happens to be in excess of seven months, and was, therefore, found to meet up with the bench mark set out in the aforesaid decision of the Hon'ble Supreme Court.

[5]. The same ratio would appear to be applicable in the present case as well in view of the reports sent up by the Ld. Judicial Magistrate

First Class, Kapurthala in compliance of the earlier order dated 12.10.2017.

[6]. Consequently, the present petition is disposed off with a direction that while conviction of the petitioner is affirmed, but the sentence awarded to him is reduced to already undergone. The petitioner is presently lodged in Central Jail, Kapurthala. He be released from custody forthwith, if not required in any other criminal case.

07.12.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes
2. Whether reportable: No