

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

CRR No. 2701 of 2014

DATE OF DECISION :- May 10, 2018

Hanif Khan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana

Petitioner Hanif Khan was tried by Judicial Magistrate Ist Class, Palwal for offences under Sections 279, 337 as well as 304A IPC on the allegations that on 30.12.1999 at about 9.30 A.M. in the area of near village Ronija, he while driving TATA 407 four wheeler bearing no. HR-51GA-1906 on a public way in a rash and negligent manner hit three-wheeler bearing No. HR-38D-5406, being driven by complainant Rajbir resultantly causing injuries to Dharambir and Rohtash. Dharambir succumbed to those injuries. The trial ended in his conviction for offences under Sections 279, 337, 304A IPC vide judgment dated 13.2.2012 and vide order dated 15.2.2012, he was sentenced to undergo rigorous imprisonment for three months under Section 279 IPC and further sentenced to undergo rigorous imprisonment for three months under Section 337 IPC and further sentenced to undergo rigorous imprisonment for two years under Section 304A IPC. All the sentences were ordered to run concurrently.

Feeling dissatisfied, he had preferred an appeal to the Court of Sessions, which was marked to Additional Sessions Judge, Palwal. The appeal

was dismissed. The accused was taken into custody at the time of pronouncement of judgment dated 4.8.2014.

Feeling dissatisfied, he has approached this Court by way of filing Criminal Revision Petition. He had moved an application for suspension of sentence which was allowed and he was ordered to be released on bail on 31.3.2015.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the revisionist has contended that he does not challenge the judgments passed by the Courts below on the point of conviction but wants to put forward submissions with regard to the sentence part. He states that the matter has since been compromised between the parties.

Learned State counsel was directed to get verify this factum of compromise and as per report submitted by the State counsel, the factum of compromise stands verified. The statements of the concerned persons have also been attached.

In terms of the custody certificate filed by the State counsel, the revisionist has undergone total sentence of 1 year 1 month and 29 days out of total substantive sentence of 2 years. He is not shown to be involved in any other criminal case.

Learned counsel for the revisionist has stated that revisionist is aged about 37 years. He is married and having children and is the only source of financial help to the family. He is a poor person, as such lenient view be taken.

Considering the circumstances explained by counsel for the petitioner, the judgments passed by the Courts below are upheld on the point of

conviction but regarding the sentence, the same are modified and revisionist is sentenced to imprisonment already undergone by him in this case. The fine is said to have paid.

The Criminal Revision Petition stands disposed of accordingly.

(H.S. MADAAN)
JUDGE

May 10, 2018
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No