

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 3360 of 2014 (O&M)

Date of decision : 20.4.2018

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Gurdeep Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. R.S. Manhas, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Accused – Gurdeep Singh was tried by Additional Chief Judicial Magistrate, Pathankot, on the charge for offences under Sections 279, 337, 427, 304-A IPC, on the allegations that on 22.7.2006, at about 5.00 P.M. In the area of Chowk Wala Khuh, Village Ranipur, Police Station Shahpurkandi, he drove Scorpio vehicle bearing registration No. JK-2T-0470 on a public way in a manner so rashly and negligently as to endanger the human life and personal safety of others and caused death of Kulbhushan Sharma s/o Bodh Raj Sharma, not amounting to culpable homicide, besides causing grievous hurt to Sham Lal and Manoj Kumar. The trial ended

in his conviction and sentence vide judgment and order dated 19.10.2013, as follows:-

<i>Offence under Sections</i>	<i>Sentence awarded</i>
U/s 279 IPC	To undergo rigorous imprisonment for a period of six months.
U/s 304-A IPC	To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.300/-. In default of payment of fine to undergo rigorous imprisonment for a period of 30 days.
U/s 337 IPC	To undergo rigorous imprisonment for a period of six months.

All the substantive sentences were ordered to run concurrently.

Feeling aggrieved with the abovesaid judgment, he had preferred an appeal before the Court of Sessions, but the same was dismissed by the learned Sessions Judge, vide judgment dated 7.10.2014, as such he has filed the present revision petition, notice of which was given to the State.

During the pendency of the revision petition, the matter has been compromised between the parties. Manoj Kumar – injured and Sham Lal – complainant appeared in the Court and admitted the factum of compromise. Today Neeraj Kumar, real brother of Kulbhushan Kumar – deceased, has appeared and conceded the factum of compromise between the parties. He states that his mother Smt. Kamla Devi is sick and is unable to appear in the Court, but she is also agreeable to the compromise.

Learned State counsel was asked to verify the factum of compromise between the parties. He has placed on record statements of Ex-Subedar Sham Lal, Manoj Kumar, Neeraj Kumar Sharma as well as Smt. Asha Rani, in that regard.

The offences can possibly be not allowed to be compounded, that too at this stage. However, in view of the ratio of authority reported as **Puttaswamy vs. State of Karnataka and another 2009 (1) RCR (Criminal) 501**, the compromise can be considered on the point of sentence.

As per the custody certificate, the petitioner has undergone 1 month and 13 days out of the total sentence. The petitioner is stated to be aged about 74 years. Under these circumstances, while maintaining the conviction of the accused, his sentence is reduced to the one already undergone by him in this case. With such modification in the impugned judgment, the revision petition stands disposed of.

20.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No