

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

CRR-3383-2014

Date of Decision: 14.05.2018

Sukhvir Singh

...Petitioner

V/S

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Madan Sandhu, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab

Mr. B.S.Cheema, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN,J. (Oral):

Prayer in this petition is for setting aside the judgment of conviction and order of sentence dated 25.08.2012, vide which, the petitioner was convicted for the offence punishable under Sections 279 and 304-A of IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and further to pay the litigation costs of Rs.6,000/- to the father of deceased as well as the judgment dated 01.09.2014 passed by the Lower Appellate Court vide which the appeal filed by the petitioner was dismissed and sentence was upheld.

On 30.11.2017, the matter was referred to the Mediation and Conciliation Centre for exploring the possibility of amicable settlement on payment of some additional compensation to the legal heirs of deceased-Gurcharan Singh. The Mediator has sent a report dated 18.01.2018 and as per the said report, it has been settled that the petitioner will pay an additional amount of Rs.65,000/- to Jaswinder Kaur, widow of deceased-

Gurcharan Singh. It is further agreed that Jaswinder Kaur and her minor children, namely Harpreet Singh, Deepak Singh and Manpreet Singh, will receive the amount on or before 10.04.2018 and first installment of Rs.30,000/- was paid on 25.01.2018.

Counsel for the petitioner has handed over a demand draft of Rs. 35,000/- to Jaswinder Kaur, who is present in the Court. Photocopy of the demand draft is placed on record.

Learned counsel appearing for Jaswinder Kaur has no objection if the sentence awarded to the petitioner is reduced to the sentence already undergone by him.

The learned State counsel, on the basis of custody certificate dated 22.09.2016 has submitted that the petitioner has undergone 07 months and 10 days of total sentence.

Accordingly, counsel for the petitioner has submitted that the claimants have already been granted adequate compensation under the MACT award and the petitioner has paid over and above an amount of Rs.65,000/- in view of the settlement arrived at between the parties before the Mediation and Conciliation Centre. Counsel for the petitioner has further submitted that out of two years RI awarded by the trial Court, the petitioner has already undergone 07 months and 10 days of total sentence and he is neither a previous convict nor is involved in any subsequent case.

I have heard learned counsel for the parties and perused the record.

In view of the fact that the petitioner is the first offender; is not involved in any other case; has not mis-used the concession of bail during pendency of the trial as well as during pendency of the first appeal; the

petitioner is a married person and has his family to support; the petitioner has faced the agony of protracted trial since 2009 and also in view of the fact that the petitioner has paid an additional compensation of Rs.65,000/- to the LRs of deceased. This petition is partly allowed.

While upholding the impugned judgment passed by the Courts below convicting the petitioner under Sections 279 and 304-A IPC, the impugned order of sentence awarded 02 years RI and to pay a fine of Rs.2,000/- is modified and reduced the sentence to the period already undergone by the petitioner i.e. 07 months and 10 days of total sentence.

Counsel for the petitioner submits that fine has already been paid before the trial Court at the time of filing of the first appeal.

With the aforesaid modification, the petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

14.05.2018
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Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No