

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

CRR-M-3381-2017

Date of Decision:16.05.2018

Maharaj Singh

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Ms.Bhagyashri, Advocate for
Dr.Deipa Singh, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

Notice was issued in this petition, restricted to the quantum of sentence alone, the petitioner having been convicted for the commission of offences punishable under Sections 304-A and 279 of the IPC, and sentenced to two years simple imprisonment as regards the commission of an offence punishable under Section 304-A of IPC and to pay a fine of Rs.1,000/-, (in default thereof to undergo simple imprisonment for a period of two months), and as regards the offence punishable under Section 279 IPC, sentenced to undergo simple imprisonment for a period of six months with a fine of Rs.1,000/-, (in default thereof to further undergo simple imprisonment for a period of 15 days).

Subsequently, learned counsel for the petitioner had also produced in Court an Award passed by the Motor Accident Claims Tribunal, Karnal, dated 12.03.2012, awarding Rs.4,87,200/-, to the legal heirs of deceased Ram Chand, alongwith interest at the rate of 7.5 percent per annum, running from the date of filing of the claim petition till the date of realisation thereof.

Subsequently, upon FAO no.5666/2012 having been filed by the legal heirs of the said deceased, the matter was settled between the parties before the learned Lok Adalat, and vide an order dated 10.09.2014, a further sum of Rs.1,30,000/- was ordered to be paid to the legal heirs upto 10.09.2014, with the report of the Registry, with regard to such payment, being that the amount was deposited by the insurance company (as had been impleaded as a respondent in that appeal) on 29.08.2014, with the cheque duly received by the clerk of learned counsel appearing for the appellants (legal heirs of the deceased).

As per the custody certificate filed in Court today by the learned State counsel, the petitioner has undergone 9 months and 7 days of actual imprisonment, with 2 months remission earned, thereby showing him to have undergone 11 months and 7 days of imprisonment.

Keeping in view the fact that a compensation of Rs.6,17,200/- plus interest has been paid to the legal heirs of the deceased, with that said amount having been accepted before the learned Lok Adalat by the legal heirs, I consider it appropriate that the sentence imposed upon the petitioner, for the commission of an offence punishable under Section 304-A of the IPC, be reduced to one year from the two year term imposed by the learned Courts below, he already having undergone the period of imprisonment of six months imposed for the commission of an offence punishable under Section 279 IPC.

Consequently, upon payment of the fine of Rs.1,000/- in respect of each of the two offences, as was imposed by the learned Courts below, and upon completion of one year's imprisonment (including remissions), the petitioner shall be released from custody.

Disposed of.

May 16, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO