

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRR No.3607 of 2017 (O&M)
Date of Decision: February 16th, 2018

Om Parkash

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjeev Kodan, Advocate
for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This revision petition has been filed by the petitioner against the judgment dated 07.09.2017 passed by the learned Additional Sessions Judge, Jhajjar, and the judgment of conviction dated 19.08.2016 and order of sentence dated 22.08.2016 passed by the Judicial Magistrate Ist Class, Jhajjar, whereby, the petitioner was convicted and sentenced as under:-

Sr. No.	Sections	Sentence
1	279 IPC	Simple imprisonment for three months and fine of ₹1,000/-, in default, to further under simple imprisonment for 20 days.
2	337 IPC	Simple imprisonment for three months and fine of ₹500/-, in default, to further under simple imprisonment for 20 days.
3	338 IPC	Simple imprisonment for one year and fine of ₹1,000/-, in default, to further under simple imprisonment for 20 days.

All the sentences were ordered to run concurrently.

In appeal filed by the petitioner, Additional Sessions Judge, Jhajjar, vide judgment dated 07.09.2017, affirmed the judgment of conviction dated 19.08.2016 and order of sentence dated 22.08.2016 passed by Judicial Magistrate Ist Class, Jhajjar, with slight modification

substituting 'simple imprisonment' with 'rigorous imprisonment'.

When the case came up for initial hearing before this Court on 04.10.2017, this Court had issued notice of motion only on the quantum of sentence as the counsel for the petitioner had pressed the revision petition on the quantum of sentence only.

Learned counsel for the petitioner has produced the *dasti* summons duly served upon respondent No.2-Virender @ Bittu but the injured has chosen not to appear before this Court.

It is contended by learned counsel for the petitioner that the petitioner was driving the truck and it is at that time that the accident took place with respondent No.2-complainant, who has sustained injuries. The nature of injuries attributed to the petitioner has been proved by Dr. Amit Chaudhary PW-2 and the injuries which have been found on the person of injured Virender @ Bittu are not very serious and were found to be simple in nature, although they were five in number. He, however, contends that since notice has been only issued to the limited question of quantum of sentence, therefore, he would pray for taking a lenient view in the matter as the petitioner is driver of the truck and the said accident had taken place not because of any intention on the part of the petitioner. He, however, contends that the petitioner is a little above 30 years of age and has a family to support and out of the total sentence of one year, he has already undergone more than six months. He, therefore, prays that some compensation may be granted to the injured and the period of custody may be reduced to the period already undergone by him.

Learned counsel for the State, with reference to the earlier custody certificate which has been produced in this Court on 22.01.2018,

states that the actual sentence at that stage was 4 months and 16 days and with remission, it was 5 months and 9 days which now would be more than 6 months' sentence including remissions. He, therefore, states that in light of the fact that the accident had taken place because of the rash and negligent driving on the part of the petitioner, the sentence as awarded by the Court below be not reduced.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is a little more than 30 years of age and has a family to support, the ends of justice would best be served if the sentence of the petitioner is reduced to the period already undergone with a reasonable compensation to be paid to respondent No.2/injured-Virender @ Bittu. Thus, the sentence of the petitioner is reduced to the period already undergone by him. It is further ordered that the petitioner shall pay a compensation of ₹30,000/- to injured-Virender @ Bittu. The amount of compensation be deposited by the petitioner prior to his release in the Court of Chief Judicial Magistrate, Jhajjar, who shall release the same to respondent No.2/injured Virender @ Bittu against proper identification and the petitioner be released, if not required in any other case.

The present revision petition stands disposed of accordingly.

In the light of the disposal of the petition, CRM No.31764 of 2017 stands disposed of as infructuous.

February 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No