

**Sr. No.109**

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

**CRR-1096-2018(O&M)  
Date of decision:11.09.2018**

**Satpal**

**.....Petitioner**

**versus**

**State of Haryana**

**.....Respondent**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

**Present:** Mr. Anil Kumar Sharma, Advocate  
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

**Rajbir Sehrawat, J(Oral)**

Present petition has been filed challenging the judgment and order dated 27.02.2018 passed by the learned Sessions Judge, Rewari dismissing appeal and the judgment and order dated 20.12.2016 passed by the Judicial Magistrate, Ist Class, Rewari whereby the present petitioner has been convicted under Sections 279/337/338/304-A IPC and has been sentenced to undergo rigorous imprisonment for a maximum period of 01 year, beside some smaller duration of imprisonment.

At the out-set, learned counsel for the petitioner points out that the fine imposed by the Court has already been paid. It is further contended by learned counsel that, since the petitioner has already undergone about 07 months of imprisonment, therefore, he does not wish to press the present petition qua the order of conviction. It is his submission that the present petition be considered qua the quantum of sentence. Accordingly, the

prayer is made that the sentence imposed upon the present petitioner be reduced suitably, and preferably to the sentence which the petitioner has already undergone.

The brief facts which led to the conviction and sentence of the petitioner are that on 24.06.2013, the complainant along with his wife Sonia and children; was going to Turkiawas on motor-cycle bearing Registration No.DL-1SP-1525 at about 8-30 a.m. When they reached ahead of village Padla, then offending Car bearing Registration No.HR36M-5665, which was being driven by present petitioner at a high speed, came from the front side and struck against the motor-cycle of the complainant. As a result of which, the complainant, his wife and son sustained injuries. Wife and son of the complainant were taken to hospital. The petitioner fled away from the spot after leaving the car there. Later, wife of the petitioner succumbed to the injuries sustained by her in the accident.

On the basis of above complaint, the complainant led his evidence to prove his case. The Trial Court appreciated the evidence led by the complainant and held the present petitioner to be guilty. Accordingly, the petitioner was sentenced by the Trial Court under Sections 279/337/338/304-A IPC; for a maximum punishment of rigorous imprisonment of 01 year under Section 304-A IPC, along with smaller duration of imprisonment for other sections. The petitioner had filed the appeal before the lower Appellate Court. However, the appeal filed by the present petition was dismissed by the learned Sessions Judge, Rewari. Hence the present petition has been filed by the petitioner.

As mentioned above, at the outset, learned counsel for the petitioner has stated that the petition be restricted only qua the quantum of

sentence. To support his claim for reduction of sentence, learned counsel for the petitioner has submitted that the accused is a poor person. He has 04 minor children. It is contended by learned counsel for the petitioner that the petitioner is the sole bread earner of the family. Learned counsel further contends that the petitioner has deep remorse for what has happened in the case. Still further; it is contended that during the imprisonment, the petitioner has maintained absolute good behaviour whereby the petitioner has earned remission from the jail authorities. He is not involved in any other case. Accordingly it is prayed that, keeping in view the totality of the circumstances, the sentence be reduced.

On the other hand, learned State counsel has produced the Custody Certificate of the petitioner and submits that the petitioner has undergone 07 months and 08 days of sentence including the 23 days of remission earned by him. The Custody Certificate does not point out any other case against the petitioner. However, learned State Counsel has pointed out that the Trial Court has awarded an amount of Rs.01 lakh against the petitioner and in favour of the complainant, on account of death of his wife. It is contended by learned counsel that since the death has occurred due to the accident caused by the petitioner, therefore, the compensation awarded against the petitioner should not be set aside.

Having heard the learned counsel for the parties, this Court finds substance in the argument raised by learned counsel for the petitioner. Since it has come in record that the petitioner was only a professional driver of the vehicle in question, therefore, the argument of learned counsel for the petitioner that he is the sole bread earner of the family stands substantiated. There is no other case pending or decided against the petitioner. He is the

first offender. Therefore, this Court finds it appropriate that, so far as the sentence of imprisonment is concerned, the same can be reduced to the sentence already undergone by the petitioner.

Ordered accordingly.

The sentence of imprisonment awarded to the petitioner is reduced to what he has already undergone till today.

The argument raised by learned State counsel that the compensation awarded against the petitioner should not be set aside; also merits acceptance. Keeping in view the facts and circumstances of the case; the just compensation has been awarded by the Trial Court. Therefore, the compensation awarded against the petitioner is upheld. However, the petitioner is granted 03 months time to make the payment of the amount of compensation.

Accordingly, the present petition is partly allowed. The conviction of the petitioner is upheld. The sentence of imprisonment awarded to the petitioner is reduced to the period already undergone by the petitioner. The compensation awarded against the petitioner is upheld.

Let the petitioner be released from the custody if he is not required in any other case.

However, the present order of allowing the present petition is subject to the petitioner depositing the amount of compensation within a period of 03 months from today. At the time of his release, the petitioner shall be produced before the CJM, Rewari and the petitioner shall file an undertaking before the CJM, Rewari that he will deposit the amount of compensation with the Chief Judicial Magistrate, Rewari within a period of 03 months. If the amount is so deposited, the same shall be disbursed to the

complainant.

It is further clarified that in case the petitioner does not deposit the amount of compensation within a period of 03 months, then the Chief Judicial Magistrate, Rewari shall pass the necessary orders for taking the petitioner in custody for serving the remaining sentence.

Disposed of.

11<sup>th</sup> September, 2018  
Shivani Kaushik

[RAJBIR SEHRAWAT]  
JUDGE

*Whether speaking/reasoned*      *Yes/No*

*Whether Reportable*                      *Yes/No*