

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

130

CRR-1236-2018(O&M)
Date of Decision: April 04, 2018

Mohammad Yusuf

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. G.K. Hundal, Advocate for
Mr. R.D. Rattewal, Advocate
for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner seeks setting aside judgment of conviction and order of sentence dated 04.07.2016, whereby the petitioner has been convicted and sentenced as follows:-

Section	Sentence (Rigorous Imprison ment)	Payment of fine	In default of payment of fine, further RI
279 IPC	6 months	Rs.500/-	5 days
304-A IPC	2 years	Rs.1000/-	1 month

2. Notice of motion.
3. Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondent-State. Let two copies of paperbook be supplied to him during the course of the day. Mr. Kewal Krishan Advocate, puts in appearance on behalf of

complainant-father of the deceased.

4. The petitioner is alleged to have caused the death of Narinder Kumar due to rash and negligent driving of a truck. The learned trial Court vide judgment of conviction and order of sentence dated 04.07.2016 convicted the petitioner, as mentioned hereinabove. His appeal has been dismissed by learned Additional Sessions Judge, Hoshiarpur.

5. Hence, the Revision Petition.

6. Learned counsel for the petitioner contends that the parties have entered into a compromise dated 14.03.2018 and a copy thereof has been annexed as Annexure P-1.

7. Learned counsel appearing on behalf of father of the deceased does not dispute this submission.

8. Though the offence under sections 279 and 304-A IPC is not compoundable within the scope of section 320 of Code of Criminal Procedure, 1973, the Court may in view of compromise arrived at between the parties, reduce the sentence imposed while maintaining the conviction. Thus, the instant revision petition is allowed partly. The conviction of the petitioner is maintained, whereas, his sentence is modified to the effect that he is sentenced to the period already undergone by him. Copy of the order be sent to the Court of the Convicting Magistrate concerned for issuing release Warrant of the petitioner.

April 04, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No