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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 268/2017**

SATYAWAN

..... Petitioner

Through Mr. O.P. Saxena with Ms.Usha
Saxena, Advocates.

versus

STATE

..... Respondent

Through Mr. Mukesh Kumar, APP
SI Deepak Panwar, PS Hajrat
Nizamuddin.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **12.01.2018**

**CRL.REV.P. 268/2017 & CrI.M.A.20308/2017 (for issuance of
production warrant)**

1. The petitioner impugns order dated 22.11.2016, passed by the Additional Sessions Judge dismissing the criminal appeal No.204204/2016 filed by the petitioner against order dated 21.10.2014 in case FIR No.186/2000 under Section 279/304A IPC, Police Station Hajrat Nizamuddin, whereby, the petitioner was convicted of the said offence and sentenced to rigorous imprisonment for a period of two years for the offence under Section 304A IPC and simple imprisonment for a period of six months for the offence under Section 279 IPC. The petitioner was further directed to pay compensation of Rs.50,000/- to the legal heirs of the deceased in 10 monthly instalments of Rs.5,000/- each and, in default of payment, to undergo a simple imprisonment for a further period of two months.

2. Learned counsel for the petitioner submits that the petitioner is

aged over 52 years and has two children aged 16 and 13 years and old parents to take care. It is contended that he is the sole bread earner of the family and despite the fact that even though there was a direction for suspension of sentence, on petitioner furnishing a bail bond, the petitioner did not avail of the said order.

3. The petitioner, who is produced in Court, submits that he is not in a position to pay the compensation amount on account of financial difficulties as he has already lost his job and is incarcerated. Learned counsel for the petitioner submits that even during the period when the proceedings were pending, and the petitioner was on bail, there was no involvement of the petitioner in any further accident.

4. The nominal roll indicates that the petitioner has undergone a sentence of 1 year 1 month & 19 days and has earned remission of 4 months. The unexpired portion of sentence remaining is 6 months 11 days.

5. Considering the facts and circumstances of the case and the substantive period (1 year and 1 month) already undergone by the petitioner in this case and the fact that he is the only bread earner of his family and has to support dependents and has realised his mistake and is remorseful. I am of the view that he should be given an opportunity to reform himself. Consequently, the period of sentence under Section 304A IPC is modified to the period already undergone. Insofar as the payment of compensation and, in default thereof, to undergo simple imprisonment of 2 months is concerned, since

petitioner is not paying the compensation amount, I am not inclined to interfere with that portion of the sentence. The Petitioner shall however be entitled to remissions as admissible in law.

6. The petition is, accordingly, disposed of.

7. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 12, 2018/st