

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

**Crl. Revision No. 632 of 2019(O&M)
Date of Decision:09.09.2019**

Narender	Versus	...Petitioner
State of Haryana		...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Soni Sheoran, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana

ANIL KSHETARPAL , J .

Present revision petition has been filed against the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Hisar, which has been affirmed in appeal.

The petitioner has been sentenced to a rigorous imprisonment for a period of one year for commission of offence under Section 304-A of the Indian Penal Code and to pay a fine of Rs.2000/-.

Learned counsel for the petitioner after arguing for sometime, has submitted that taking into the fact that the petitioner is a first time offender and has a small child of four months, the sentence be reduced to the period already undergone.

As per custody certificate, the petitioner has already undergone six months and 24 days.

The facts of the case as noticed by learned Sessions Court are as under:-

“The brief facts of the case of the prosecution are that on 22.09.2011, ASI Sunder Lal alongwith HC Satish Kumar was on patrolling duty in the area of Sabji Mandi, Hisar. In the meanwhile Suraj Parkash met them and got recorded his statement to the effect that on 22.09.2011 he as well as his nephew Sunny alias Salender were going to their house from Sabzi Mandi,

Hisar and when they reached near Sabzi Mandi Chowk, in the meanwhile one tralla bearing No. HR-63-A-3469 being driven in rash and negligent manner came from behind and run over his nephew, who died at the spot, however, he had a narrow escape. He could identify the driver of the tralla if produced before him. Complainant had accordingly sought action against the driver of Tralla bearing No. HR-63-A-3469, who had run away leaving his tralla on spot. Prayer was made to initiate criminal proceedings against the driver of the said tralla. Accordingly, case was registered and proceedings under section 174 of Cr.P.C. were initiated. Site plan of the place of occurrence was prepared. Statements of witnesses were recorded. Accused was arrested on 23.09.2011. After completion of investigation, final report under Section 173 of Cr.P.C. was prepared against accused and presented before the Court.”

The petitioner is 35 years of age, the first offender. The accident in question took place on 22.09.2011. The petitioner has already undergone more than half of the sentence awarded.

Keeping in view the facts of the present case, the sentence awarded to the petitioner is reduced to the period already undergone. However, the petitioner is made liable to pay compensation of Rs.50,000/-, which shall be payable to the heirs of the deceased, to be deposited before the trial Court.

Learned counsel for the petitioner submits that the amount of compensation as awarded shall be deposited before the Judicial Magistrate Ist Class, Hisar, within a period of fifteen days. On production of the receipt, the petitioner shall be released forthwith if not required in any other case.

Disposed of.

09.09.2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No