

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2407-2018 (O&M)

Date of Decision:- 10.1.2019

Dharambir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek Khatri, Advocate, for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this revision petition, petitioner-Dharambir has challenged judgment dated 11.7.2018 passed by learned Additional Sessions Judge, Jhajjar whereby his conviction for offence under Sections 279 and 304-A IPC as recorded by learned Judicial Magistrate 1st Class, Jhajjar has been upheld.

At the time of preliminary hearing, the petitioner had submitted that he restricts his submission qua the quantum of sentence only and had stated that in fact a compromise had been effected amongst the parties and the complainant has no objection in reduction of sentence.

The matter pertains to death of grand daughter of complainant Bharat, who was aged about 5 years. Vide order dated 29.10.2018, this Court while observing that apart from the complainant who is grand father of the deceased it is the stand of the parents of the deceased which would be material had directed that the statement of the parents of the deceased be also recorded qua the alleged compromise.

Report of learned Judicial Magistrate 1st Class, Jhajjar has been received to the effect that the parents of the deceased namely Gulab and Suman had appeared. While Gulab is stated to be deaf and dumb, his wife Suman who had been married to him since the last about 10 years could understand and converse with him with the help of gestures. It was thus consequently with her help that the statement of Gulab was recorded. Both Gulab as well as Suman have specifically stated that they have effected a compromise with the petitioner. To a similar effect is the statement of complainant Bharat.

As per custody certificate filed today in the Court, the petitioner has already undergone sentence to the extent of 6 months and 14 days including remissions to the tune of 15 days out of the total imposed sentence of 2 years.

Having regard to the aforesaid period already undergone and the factum of compromise, the petition is accepted to the limited extent that while the conviction is upheld, the substantive sentence of imprisonment is reduced from 2 years for offence under Section 279 and 304-A IPC, to the one already undergone. The fine shall however remain unaltered.

The petition, as such, is partly accepted to the extent indicated above regarding reduction in quantum of sentence only.

January 10, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No