

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2766 of 2019 (O&M)
Date of Decision: 06.12.2019

Satish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vivek Aggarwal, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

HARNARESH SINGH GILL, J.

The petitioner has preferred this petition being aggrieved of the judgment dated 3.10.2019, passed by Additional Sessions Judge, Kurukshetra, vide which the appeal filed by him, challenging the judgment of conviction and order of sentence dated 19.10.2015, passed by Judicial Magistrate Ist Class, Kurukshetra in case FIR No. 69 dated 3.6.2010 under Section 304-A IPC, registered at Police Station K.U.K., was dismissed with modification in the sentence part whereby sentence of the petitioner was reduced to eight months from one year, as awarded by the trial Court.

The brief facts of the present case are that on 3.6.2010, complainant Jagdish got recorded his statement to the effect that he had been working on D.C. rate in Hinga Kheri Centre of Electricity Department and Sohan Lal had been working as ALM with him at that centre for the last 21 months. On 2.6.2010, they had received a message from Bhim Singh Lineman regarding a break down in Udarsi feeder and were directed to find

out the snag and to cure the same. On reaching the spot, they found that

jumpers were lying open. They made a call in the power house, where the accused being operator ASM, had attended the call and assured them that electricity was cut and they could deal with the snag. On the assurance of the accused, Sohan Lal started dealing with the snag and when Sohan Lal had mounted upon the transformer, got the electric shock and due to its impact, he fell down on the ground. On hearing his noise, 2-3 persons came at the spot and Sohan Lal was removed to Civil Hospital, Kurukshetra, where he was declared dead. It has been alleged that Sohan Lal was electrocuted because of negligence and false assurance of accused Satish Kumar. On the basis of the complaint, the FIR in question was registered.

After completion of investigation and necessary formalities, challan was presented against the petitioner.

Charge was framed against the petitioner under Sections 304-A IPC to which he pleaded not guilty and claimed trial.

In order to prove its case, prosecution had examined as many as eight witnesses.

In the statement recorded under Section 313 Cr.P.C., the accused denied the prosecution case and pleaded false implication.

The trial Court vide judgement and order dated 19.10.2015 convicted the petitioner under Sections 304-A IPC and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 5,000/- and, in default of payment of fine, to further undergo rigorous imprisonment for a period of one month.

The appeal preferred by the petitioner was dismissed by the Appellate Court vide judgment dated 3.10.2019 with modification in the sentence part, noted above.

During the course of arguments, counsel for the petitioner has confined his prayer only to the quantum of sentence imposed upon the petitioner.

Learned counsel for petitioner has submitted that the petitioner is in custody since 3.10.2019. The accident in question took place in June, 2010 and he has faced the agony of protracted trial for more than 09 years. Learned counsel has further submitted that the petitioner is the sole bread winner of the family and is not a previous convict. The accident in question was not a willful act on the part of the petitioner. Learned counsel for the petitioner further submits that the petitioner is ready to pay compensation to the tune of Rs. 35,000/- to the legal representatives of deceased Sohan Lal. On these premises, learned counsel for the petitioner prays that the substantive sentence imposed upon the petitioner may be reduced to the one already undergone by him.

Learned State counsel has opposed the prayer and submits that on account of negligence on the part of the petitioner, deceased Sohan Lal had suffered electric shock and died and the Courts below have already taken a lenient view.

With the able assistance of the learned counsel for the petitioner and the learned State counsel, I have gone through the judgments of the Courts below.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner do not call for any interference and the same are accordingly affirmed.

While coming to the sentence part, the petitioner is in custody

since 3.10.2019 and he has already undergone two months and five days of actual sentence. Taking into consideration that the FIR in the present case was registered on 3.6.2010 and petitioner has been facing the agony of trial for the last more than nine years, in my opinion, no useful purpose would be served by keeping the petitioner behind the bars to undergo the remaining sentence. The ends of justice would be suitably met, if the substantive sentence imposed upon the petitioner is reduced to the one already undergone by him.

In view of the above, while upholding the conviction of the petitioner under Section 304-A IPC, the substantive sentence imposed upon the petitioner is reduced to the period already undergone by him with a condition that he would pay ₹ 35,000/- as compensation to the legal heirs of deceased Sohan Lal.

The amount of compensation shall be deposited within one month from today with the Chief Judicial Magistrate, concerned, failing which this petition shall be deemed to have been dismissed and the petitioner will surrender to undergo the remaining sentence as awarded by the Court below. The said amount of compensation be disbursed to the legal heirs of deceased Sohan Lal, on identification.

The petitioner who is in custody, be set at liberty forthwith, if not required in any other case.

With the aforesaid order, the revision petition is disposed of.

(HARNARESH SINGH GILL)
JUDGE

December 06, 2019
Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No