

243

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

CRR No. 172 of 2018(O&M)

Date of Decision: 03.04.2019

Devinder Diwan

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Maharaj Kumar, Advocate for the petitioner.
Mr. C.L.Pawar, Senior DAG, Punjab.
Mr. Narinder Sharma, Advocate for respondents No. 3 and 4.

MAHABIR SINGH SINDHU , J.(Oral)

Prayer in this revision petition is for setting aside the impugned judgment of conviction dated 03.06.2017 and order of sentence of the even date, vide which, the petitioner was held guilty for commission of offences punishable under Sections 279, 304-A and 427 of the IPC and sentenced to undergo rigorous imprisonment for a period of two years; as well as for setting aside the judgment dated 21.09.2017, whereby an appeal filed by the petitioner against the aforesaid judgment and order has been dismissed.

Custody certificate produced by learned State counsel is taken on record.

It has been submitted by learned counsel for the petitioner that during the pendency of the present petition, the matter has been amicably settled between the parties and the family of the deceased has been suitably compensated by way of an amount of ₹ 70,000/- through demand drafts bearing Nos. 000612 and 000613 (₹35,000/- each). Photocopies of the same have been produced and taken on record.

Learned counsel for respondents no.3 and 4 has acknowledged the

above factual position and has no objection in case the present petition is allowed.

Perusal of the custody certificate reveals that petitioner has already undergone the sentence of 01 year 06 months and 05 days including the period of remission i.e. 04 months and 10 days. During the course of hearing this Court has also been apprised by both sides that there is no other criminal case pending against the petitioner and the same is further corroborated by the custody certificate, as well.

Considering the agreed stand taken by both sides to the effect that matter has been amicably settled between the petitioner as well as complainant/legal heirs of the deceased and private respondents are fully satisfied after accepting the amount of ₹70,000/- discussed above, this Court deems it appropriate as a mitigating circumstance for reduction of the sentence. Even otherwise, facts of the case reveal that petitioner has already undergone the sufficient period of sentence out of the total sentence of two years imposed by the Courts below, therefore, this Court is of the view that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone by him.

Accordingly, while upholding the judgment of conviction, the present petition is partly allowed with the modification of the order of sentence to the extent that the same is reduced to the period already undergone by the petitioner in this case.

Ordered accordingly.

[MAHABIR SINGH SINDHU]
JUDGE

3rd April, 2019
shabha

Whether speaking/reasoned Yes

Whether reportable? Yes