

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-793-2023 (O&M)
Date of decision : 17.10.2023

Sukhjinder Singh @ Sonu Petitioner
versus
State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Ms. Sushma Chopra, Advocate, for the petitioner.
Mr. Amit Shukla, Assistant Advocate General, Punjab.
Ms. Simi Kandra, Advocate, for respondent nos. 2 and 3.

PANKAJ JAIN, J. (ORAL)

1. The petitioner is in revision against the judgment dated 27.01.2023 whereby learned Sessions Judge, Jalandhar, while dismissing his appeal has affirmed judgment and order dated 16.02.2021 passed by the learned Judicial Magistrate 1st Class, Nakodar, whereby the petitioner was convicted in case bearing FIR No. 164 dated 04.07.2014, registered at Police Station Shahkot, District Jalandhar under Section 279/ 304-A/ 427 IPC and sentenced to undergo imprisonment as under:-.

u/s 279 IPC	to undergo RI for a period of six months and to pay a fine of Rs. 1,000/- (in default of payment to undergo further simple imprisonment for fifteen days)
u/s 304-A IPC	to undergo RI for a period of two years and to pay a fine of Rs. 8,000/- (in default of payment to further undergo imprisonment for one month)
u/s 427 IPC	to pay a fine of Rs. 1,000/- (in default of payment to undergo further imprisonment for fifteen days)

2. Counsel for the petitioner wants this Court to re-appreciate the evidence which is beyond the scope of this Court keeping in view

that the Courts after appreciation of the evidence threadbare have come to the conclusion that the petitioner was guilty of rash and negligent driving which resulted into an accident leading to death of Anmol @ Moli.

2. Counsel for the petitioner has placed reliance upon judgments of Apex Court in Criminal Appeal No. 1066 of 2008 - Manish Jalan vs State of Karnataka, dated 11.07.2008 and Criminal Appeal No. 536 of 2021 – Surendran vs Sub-Inspector of Police, dated 30.06.2021, to submit that once the family of the deceased has received compensation, the Court is within its jurisdiction to reduce the substantive sentence of imprisonment. However, Apex Court in State of Punjab vs Dil Bahadur 2023 (2) R.C.R. (Criminal) 489 has discouraged such practice of reducing the sentence in lieu of compensation.

3. This Court does not find any reason to interfere in the present petition. The same is accordingly dismissed.

Pending application (s), if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

17.10.2023

vs

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No