

(2012) 09 P&H CK 0310

High Court Of Punjab And Haryana At Chandigarh**Case No:** Criminal Revision No. 2553 of 2012 (O and M)

Isha and Another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Sept. 20, 2012**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 357
- Penal Code, 1860 (IPC) - Section 279, 337

Citation: (2013) 1 RCR(Criminal) 766**Hon'ble Judges:** Paramjeet Singh, J**Bench:** Single Bench**Advocate:** Salim Ahmed, for the Appellant; Sidharth Sarup, DAG, Haryana, for the Respondent

Judgement

Paramjeet Singh, J.

This revision petition has been preferred by the petitioners against judgment dated 31.7.2012 passed by learned Additional Sessions Judge, Nuh, thereby dismissing the appeal preferred by the petitioners against the judgment dated 19.3.2011 and order dated 21.3.2011 passed by the learned Judicial Magistrate 1st Class, Ferozepur Jhirka, vide which the petitioners have been convicted for offence punishable under Sections 279/337 IPC and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 200/- each for the commission of offence punishable u/s 279 IPC and in default of payment of fine to further undergo simple imprisonment for one week. The petitioners were further sentenced to undergo rigorous imprisonment for a period of six months for the commission of offence punishable u/s 337 IPC and to pay a fine of Rs. 200/- each and in default of payment of fine to undergo further simple imprisonment for a period of one week. Both the sentences were ordered to run concurrently. I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking

reduction in sentence.

2. I have heard the learned counsel for the parties and perused the record.

3. Learned counsel for the petitioners states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved by the sentence part. However, he prays that the sentence of the petitioners be suitably reduced as this criminal trial is hanging on his head like Damocles' sword for more than past six years as occurrence pertains to year 2006 and it should be a sufficient mitigating circumstance to treat them leniently. The petitioners are first offenders and have suffered the ordeal for long period. Learned counsel for the petitioners further states that petitioners have already undergone a period of one month and twenty days sentence.

4. Learned counsel for the State does not dispute these facts.

5. In the opinion of this Court, no useful purpose would be served by keeping the accused/petitioners in the company of hardcore criminals; they have already faced mental agony; reducing the sentence for the period already undergone and directing the petitioners to pay compensation to the LRs of the deceased seems to be best-option. Therefore, sentence is reduced to the period already undergone, subject to payment of compensation by the petitioners amounting to Rs. 30,000/- over and above any compensation paid under Motor Vehicles Act, which will be paid to the LRs of the deceased u/s 357 Cr.P.C. It is made clear that the petitioners will be released on payment of the aforesaid compensation, if not required in any other case, and their sentence shall be treated to be reduced to their actual release. It is further made clear that the impugned order of conviction stands affirmed subject to modification as directed above. In case amount of compensation is not deposited, as directed above, this revision petition shall be deemed to be dismissed. With the observations made above, present revision petition is disposed of.