

(2009) 12 P&H CK 0148

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Rev. No. 1979 of 2004

Rudar Dutt Puri

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Dec. 17, 2009

Acts Referred:

- Penal Code, 1860 (IPC) - Section 279, 337

Citation: (2010) 1 RCR(Criminal) 665

Hon'ble Judges: Ashutosh Mohuntha, J

Bench: Single Bench

Advocate: Arvind Singh, for the Appellant; S.S. Goripuria, DAG, Haryana, for the Respondent

Judgement

Ashutosh Mohuntha, J.

The petitioner has challenged the judgment dated 6.3.2000 and the order of sentence dated 8.3.2000 passed by the Judicial Magistrate Ist Class, Kurukshetra, vide which he was convicted under Sections 279/337/304-A IPC. The petitioner was sentenced to undergo rigorous imprisonment for three months u/s 304-A and one month imprisonment each u/s 279 and 337 IPC along with fine to the tune of Rs. 500/-.

2. The petitioner challenged the aforementioned judgment by filing an appeal in which the Additional Sessions Judge (Adhoc), Fast Track Court, Kurukshetra, vide judgment dated 28.9.2004 set aside the conviction of the petitioner u/s 337 IPC. However, the conviction of the petitioner u/s 304-A and 279 IPC was upheld. The sentence of the petitioner u/s 304-A IPC was reduced from rigorous imprisonment for three months to rigorous imprisonment for two months.

3. Counsel for the petitioner submits that he does not challenge the findings of the Courts below as far as the conviction of the petitioner u/s 304-A and 279 IPC is concerned. He, however, submits that as the petitioner has already undergone a

period of one month imprisonment out of the total sentence of two months and is an old man of 60 years of age, therefore, his sentence be reduced to the one already undergone by him. He further submits that the petitioner is ready and willing to pay compensation as may be determined by this Court.

4. Mr. Goripuria, learned DAG, Haryana, submits that the petitioner is guilty of having killed a young child of five years of age because of his rash and negligent driving and, hence, does not deserve any leniency.

5. The accident in the present case took place on 1.9.1994 in which the petitioner while driving the jeep had run over a young boy of five years of age. Although I am surprised as to why the petitioner has been dealt with so leniently by the trial Court as he has been ordered to undergo rigorous imprisonment for only three months but keeping in view the sentence awarded by both the Courts below and the fact that no State appeal or revision has been filed for enhancement of the sentence and also keeping in view the fact that the petitioner has undergone a long and protracted trial of 15 years, therefore, ends of justice would be met if the sentence of rigorous imprisonment would be reduced to the one already undergone by him.

6. In view of the above, I uphold the conviction of the petitioner u/s 304-A and 279 IPC. However, the sentence awarded to the petitioner is reduced to the one already undergone by him. The petitioner shall pay compensation of Rs.20,000/- and deposit the same before the trial Court which shall be disbursed to Shri Jasmer Singh, father of the deceased child Suresh. The aforementioned compensation shall be deposited by the petitioner on or before 31.3.2010. On deposit of the same, the trial Court shall intimate Shri Jasmer Singh, who is father of the deceased child, about the deposit so that he can collect the compensation amount. In case the petitioner does not deposit the compensation as directed by this Court by 31.3.2010, the benefit of reduction in sentence shall not accrue to the petitioner and he shall be taken into custody forthwith to serve out the sentence as imposed by the Courts below.