

ITEM NO.9

COURT NO.2

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3629/2015

(Arising out of impugned final judgment and order dated 28/01/2015 in CRR No. 295/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

SATYAWAN

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(with interim relief and office report)

Date : 03/11/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Arvind Kumar Gupta, Adv.
Ms. Stuti Gupta, Adv.

For Respondent(s) Mr. Vishwa Pal Singh, Adv.
Mr. Prabhat Kumar Rai, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Shashi Sareen)
AR-cum-PS

(Veena Khera)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1474 OF 2015
(Arising out of SLP(Crl.) No.3629 of 2015)

SATYAWAN ... Appellant(s)

Versus

STATE OF HARYANA ... Respondent(s)

O R D E R

Leave granted.

The appellant has been tried and convicted for offences punishable under Sections 279 and 304A, Indian Penal Code. For the offence punishable under Section 279, he has been sentenced to undergo imprisonment for a period of six months and a fine of Rs. 500/-. For the offence punishable under Section 304A, he has been sentenced to undergo imprisonment for a period of one year besides a fine of Rs. 500/-. In default of payment of fine amount, the appellant has been directed to undergo further imprisonment for a period of 15 days on each count.

When this appeal appeal came up before us on

11.05.2015 we issued notice to the respondent-State limited to the question of sentence only. We had by the same order enlarged the appellant from custody on his furnishing bail bonds in a sum of Rs. 20,000/- with two sureties in the like amount to the satisfaction of the Trial Court subject to his depositing/paying to the father of the victim a sum of of Rs. 1,00,000/- in addition to the amount already paid to him in MACT proceedings.

The appellant has pursuant to the said order furnished bail bonds and has been enlarged from custody. He has also deposited Rs. 1,00,000/- in the form of a Demand Draft drawn in the name of Ashok Kumar, father of the deceased. Learned counsel for the appellant submits that the demand draft was presented before the Judicial Magistrate, 1st Class, Kharkhoda, Sonapat and offered to the father of the deceased who declined to accept the same. She has placed on record a copy of the statement of Ashok Kumar-father of the victim in support of that statement. In the circumstances, the only question that falls for our determination is whether the sentence awarded to the appellant by the courts below can be reduced in the peculiar facts and circumstances of the case.

The offending vehicle happened to be a tractor and

the victim a child of just about 8 years of age. On the date of the incident, the tractor is said to have been loaded with bricks. The incident took place near a bus stand where the victim is said to be playing on the road unescorted by any elder. Be that as it may, the fact remains that the appellant has been found guilty of rash and negligent driving of the tractor. The appellant is a driver by profession and has already undergone imprisonment for a period of four months. He has no criminal antecedents or other conviction to his credit. In the circumstances and keeping in view the peculiar facts of the case, we are inclined to reduce the period of sentence of imprisonment awarded to the appellant under Section 304A from one year to 8 months. At the same time, we propose to increase the fine from Rs. 500/- to Rs. 1,00,000/- We order accordingly. The Trial Court shall release a sum of Rs. 95,000/- in favour of the father of the deceased towards compensation out of the fine amount. The orders passed by the courts below in regard to conviction and sentence under Section 279 shall remain unaltered. The appeal is accordingly allowed and disposed off in part in terms of the above directions.

The appellant who is on bail shall surrender to custody to serve the remainder of sentence. In case the

amount of fine of Rs. 1,00,000/- as directed is not deposited within six weeks from today, the sentence awarded to the appellant by the courts below under Section 304A shall stand restored. The demand draft furnished by the appellant before the Trial Court pursuant to our earlier order shall be returned to him to enable him to deposit the fine amount.

.....J.
(T.S.THAKUR)

.....J.
(R.BANUMATHI)

New Delhi,
Dated: 3rd November, 2015.