

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2583 of 2015 (O&M)
Date of decision : October 20, 2015

Brijesh Kumar,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. FS Virk, Advocate
for the petitioner.

Mr. APS Gill, AAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This revision petition is directed against the concurrent conviction of the petitioner under Sections 279, 337, 338 of the IPC.

Brief facts are that on 4.9.2008 at about 1 pm, the offending truck being driven by the petitioner rashly and negligently hit from behind the motor cycle being driven by the complainant/injured which resulted in the fracture of his left leg.

Custody certificate by way of affidavit of Gurcharan Singh Dhaliwal, Deputy Superintendent, Central Jail, Patiala has been filed. As per the same, the petitioner has undergone 4 months and 13 days of actual

sentence out of total sentence of 2 years.

Counsel for the petitioner has argued that the accident took place on the day of Basant Panchmi and it is a case of injury where there is a fracture in the left leg with crushing soft tissues. He prays that a lenient view may be taken in respect of the sentence awarded to the petitioner, since he has been suffering the agony of these proceedings for the last more than seven years. He has placed reliance upon the decision of the Hon'ble Supreme Court in State of Punjab v. Saurabh Bakshi, 2015 RCR (Crl) 495 to contend that therein one person had died, sentence had been reduced to six months but in the present case of injury, the sentence of two years is unduly harsh.

Learned AAG Punjab is not in a position to justify this sentence.

In these circumstances and keeping in view the decision in Saurabh Bakshi's case (supra), even while maintaining the conviction, I reduce the sentence of the petitioner to five months. Petition stands disposed of.

October 20, 2015
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(AJAY TEWARI)
JUDGE