

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No. 1350 of 2016 (O&M)
Date of decision : August 02, 2016

Brij Lal,

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Amandeep Sibia, Advocate
for Mr. RVS Chugh, Advocate
for the petitioner.

Mr. KS Pannu, DAG Punjab

Ajay Tewari, J (Oral)

This revision petition is directed against the concurrent conviction of the petitioner under Section 304-A of the IPC. The trial Court sentenced the petitioner to RI for two years, whereas the appellate Court while maintaining his conviction reduced the sentence to one year.

Brief facts are that the present case was registered on the

basis of the statement of the complainant who stated that on 1.10.2009

the complainant and the son of his uncle were coming back to their village from Abohar after completing their work, on separate motor cycles and when they both reached little ahead of gas agency village Balluana, at about 2 am, the offending car being driven rashly and negligently struck against the motor cycle of his cousin Parshinder Singh, as a result of which he received multiple injuries and eventually died.

Custody certificate by way of affidavit of Jiwan Thakur, Deputy Superintendent, Central Jail, Ferozepur, has been filed. As per the same, the petitioner has undergone 5 months and 29 days of actual sentence out of total sentence of one year.

Counsel for the petitioner at the very outset states that he does not press this petition on merits but prays that a lenient view may be taken in respect of the sentence awarded to the petitioner, since he has been facing the agony of these proceedings since 2009. 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 also one person had died and sentence had been reduced to six months.

Learned DAG 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 seven months. Petition stands disposed of.

August 02, 2016
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No