

**CRR- 1747 of 2016 (O&M)**  
**Date of Decision: 01.09.2016**

.....PETITIONER

## VERSUS

**....RESPONDENT**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. R.S.Malhotra, Advocate for the petitioner.

Mr. K.S.Pannu, DAG, Punjab.

**AJAY TEWARI, J. (Oral)**

This revision has been filed against the concurrent conviction of the petitioner for the commission of offences under Sections 279 and 304-A IPC in FIR No.189 dated 06.06.2009 registered at Police Station Maqsudan, Jalandhar.

The sentence awarded to the petitioner is as under:-

| Sentence under Section | Imprisonment awarded | Fine     | In default of payment of fine |
|------------------------|----------------------|----------|-------------------------------|
| Section 279 of IPC     | R.I. for 06 months   | Rs.300/- | S.I. for seven days.          |
| Section 304-A IPC      | R.I. for 02 years    | Rs.700/- | S.I. for fifteen days.        |

Reply as well as Custody certificate by way of affidavit of Kulwinder Singh Thiara, PPS, Superintendent, Central Jail, Jalandhar at Kapurthala on behalf of State has been filed and the same is taken on record. Copy supplied to the counsel opposite.

As per the reply, the applicant is HIV positive. As per the custody certificate, the petitioner has undergone actual sentence of 08 months and 20 days out of the total sentence of 01 year and no other case is pending against him.

Learned counsel for the petitioner has argued that he does not dispute this revision on merits but in view of judgment passed by Hon'ble Supreme Court in State of Punjab v. Saurabh Bakshi, 2015 RCR (CrI) 495 to contend that therein also one person had died and sentence had been reduced to six months.

Learned DAG Punjab has accepted these factual assertions.

In these circumstances and keeping in view the decision in Saurabh Bakshi's case (supra), and the period of punishment already served by the petitioner, I deem it appropriate to dismiss the revision but the sentence of the petitioner is reduced to that he has already undergone.

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Anuradha  
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I attest to the accuracy and  
integrity of this document  
**3**

Revision petition stands disposed of.

Since the main case has been decided, the Criminal Misc.

Application, if any, also stands disposed of.

*September 01, 2016*  
**Anuradha**

**(AJAY TEWARI)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No