

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

**Criminal Revision No.2433 of 2016 (O&M)
Date of Decision : 06th September, 2016**

Anil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Sandeep Vashisth, DAG, Haryana,
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

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

Brief facts of the case are that on 08.10.2012 at about 6.30 p.m., the offending motorcycle being driven by the petitioner rashly and negligently hit Jagdish Singh, as a result of which his right leg was fractured at two places and he also received injuries on his right arm and head.

Custody certificate by way of affidavit of Vishal Chibbar, Deputy Superintendent, Central Jail, Ambala, has been filed. Same is taken on record. As per the said custody certificate, the petitioner has already undergone 02 months and 29 days of actual sentence out of the total sentence of 01 year.

Learned counsel for the petitioner argued that he will not press

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this petition on merit but 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 four 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 one year is unduly harsh.

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 the period which he has already undergone.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

06th September, 2016

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Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No