

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

**Criminal Revision No.2453 of 2016 (O&M)  
Date of Decision : 06<sup>th</sup> September, 2016**

Om Parkash

..... Petitioner

Versus

State of Haryana

..... Respondent

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

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Present : Mr. Gurinder Pal Singh, Advocate  
for the petitioner.

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

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

The instant revision petition is directed against the concurrent conviction of petitioner under Sections 279, 337, 338 and 304-A IPC.

Brief facts of the case are that on 24.10.2011, complainant alongwith his wife, Bhabhi and niece were sitting on the board of thresher of the tractor and petitioner was driving it rashly and negligently at a high speed and due to this driving, the thresher turned turtle and they all fell down on the ground and sustained injuries and later on wife of complainant succumbed to injuries.

Custody certificate by way of affidavit of Surinder Singh Godara, Superintendent, Central Jail-II, has been filed. Same is taken on record. As per the said custody certificate, the petitioner has already undergone 02 months and 05 days of actual sentence out of the total

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sentence of 02 year.

Learned counsel for the petitioner argued that he will not press 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 05 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 death, the sentence of two years 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 six months.

Petition stands disposed of.

**06<sup>th</sup> September, 2016**

*mamta*

**( AJAY TEWARI )  
JUDGE**

Whether speaking/reasoned

Yes/No

*Whether Reportable :*

*Yes/No*