

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

**Criminal Revision No.2862 of 2016 (O&M)
Date of Decision : 06th October, 2016**

Amandeep alias Kaka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gautam Thapar, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

Petitioner has preferred the instant revision petition against the judgment dated 29.03.2016, passed by the learned Addl. Sessions Judge, Jalandhar, dismissing his appeal against the judgment of conviction and order of sentence dated 21.09.2015, passed by the learned Judicial Magistrate Ist Class, Jalandhar vide which he was held guilty for the commission of offence punishable under Sections 279, 304-A IPC and sentenced to undergo rigorous imprisonment for a period of 06 months under Section 279 IPC and rigorous imprisonment for a period of 01 year under Section 304-A IPC.

The allegations against the petitioner are that he while driving his scooter on wrong side rashly and negligently at high speed hit Shital Singh, who succumbed to injuries.

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Custody certificates by way of affidavit of Kulwinder Singh Thiara, Superintendent Central Jail, Jalandhar, has been filed. Same is taken on record. As per custody certificates, petitioner Amandeep Singh alias Kaka has already undergone 06 months and 06 days of actual sentence.

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 06 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.

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. He is directed to be released forthwith if his custody is not required in any other case

Petition stands dismissed accordingly.

(AJAY TEWARI)
JUDGE

06th October, 2016
mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No