

CRR- 3492 of 2016 (O&M)

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

**CRR- 3492 of 2016 (O&M)
Date of Decision: 08.12.2016**

Sushil Kumar

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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. 880 dated 14.12.2009 registered at Police Station City Karnal, District Karnal.

The sentence awarded to the petitioner is as under:-

Sentence under Section	Imprisonment awarded	Fine	In default of payment of fine
279 IPC	S.I. For 03 months	-	-
304-A IPC	S.I. For one and a half year		

Compensation of Rs. 50,000/- was also ordered to be paid

the complainant.

Brief facts of the case are that the complainant alongwith her daughter was standing in front of their house. The petitioner-accused while driving his vehicle Scorpio in rash and negligent manner hit against the complainant's daughter as a result of she sustained grievous injury in her head and eventually died.

Custody certificate by way of affidavit of Ashok Kumar, Deputy Superintendent of District Prison, Karnal on behalf of State has been filed and the same is taken on record. Copy supplied to the counsel opposite. As per the custody certificate the petitioner has undergone actual sentence of 03 months and 24 days out of the total sentence of 01 year and 06 months and no other case is pending against him.

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 Haryana is not in a position to justify this

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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.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

08.12.2016
anuradha

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No