

**CRM-32256-2016 IN/AND
CRR- 3748 of 2016 (O&M)**

1

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

**CRM-32256-2016 IN/AND
CRR- 3748 of 2016 (O&M)
Date of Decision: 24.10.2016**

Mahesh Chand

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.J.S.Hooda, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

AJAY TEWARI, J. (Oral)

CRM-32256-2016

This application has been filed for condonation of delay of 92 days in filing the appeal.

For the reasons recorded in the application, the same is allowed and delay of 92 days in filing the appeal is condoned.

CRR- 3748 of 2016

This revision has been filed against the concurrent conviction of the petitioner for the commission of offences under Sections 279, 337, 304-A IPC in FIR No.99 dated 08.05.2009 registered

at Police Station Chandhut, Palwal.

The sentence awarded to the petitioner is as under:-

Sr. No.	Under Section	Period	Nature	Fine
1	279 IPC	3 months	R.I	Rs.500/-
2.	337 IPC	3 months	R.I.	Rs.500/-
3.	304-A IPC	One year	R.I.	Rs.1000/-

Custody certificate by way of affidavit of Rohan Singh Hooda, Deputy Superintendent, District Prison, Faridabad 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 06 months and 29 days out of the total sentence of 01 year.

Learned counsel for the petitioner had argued that this is a case where as a result of accident one person has died.

Learned DAG states that apart from that injury was caused to 6-7 persons also.

Learned counsel for the petitioner states that he would not press this petition on merits but in “**State of Punjab vs. Saurabh Bakshi**”, **2015 RCR (Crl) 495** one person has died, the Supreme Court

reduced the sentence to 06 months.

Keeping in view all the facts that in the present case some persons received injury also he would not press this petition on merits but the petitioner has undergone 06 months and 29 days. In my considered opinion, these factors would justify a reduction in the sentence. Consequently, the revision against the conviction is dismissed but the sentence of the petitioner is reduced to 07 months and 15 days.

Revision petition stands disposed of.

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

**(AJAY TEWARI)
JUDGE**

24.10.2016
anuradha

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No