

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1704 of 2016 (O&M)

Date of Decision: 08.11.2017

MANOJ

...Petitioner

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Mukesh Yadav, Advocate,
 for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH, J. (ORAL)

Impugned in the present revision petition is the judgment dated 19.04.2016 passed by the Sessions Judge, Narnaul affirming the judgment of conviction dated 12.10.2015 and order of sentence dated 14.10.2015 passed by learned Judicial Magistrate Ist Class, Narnaul vide which the present petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three months and also to pay a fine of 500/- *under Section 279* of the Indian Penal Code and to further undergo rigorous imprisonment for three months and to pay a fine of ₹500/- *under Section 337* of the Indian Penal Code. Further the petitioner was sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹1,000/- *under Section 338* of the Indian Penal Code. However, all the sentences were directed to run concurrently.

Learned counsel for the petitioner presses the present revision only on the point of quantum of sentence.

As per the custody certificate dated 07.11.2017 filed in Court today, the petitioner has already undergone the total sentence of four months and seven days including remissions of eight days.

A look of the judgments of lower Court shows that in accident, victim Ravinder Yadav has received multiple injuries. He received injury on the right leg, left thigh and on the lower abdomen. He was to be operated upon for injury on the right leg. It goes to show that the injuries are very serious in nature and might have left permanent effect like limping etc.

Considering the entirety of circumstances, while upholding the rigorous imprisonment under Sections 279 and 337 of the Indian Penal Code, the sentence awarded to the petitioner to undergo rigorous imprisonment for one year under Section 338 of the Indian Penal Act is hereby reduced to rigorous imprisonment for seven months under the said Section while amount of fine is enhanced from Rs. 1,000/- to 50,000/- to be paid to the injured- Ravinder Yadav as compensation which shall be over and above the compensation that might be awarded by the Motor Accident Claims Tribunal.

Let the petitioner who is on bail be re-arrested to undergo remaining part of his sentence.

With the modification as indicated herein above, the revision stands dismissed.

November 8, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No