

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL No. 1896 OF 2008
[Arising out of SLP(Crl.)No.6268 of 2008]

POORAN SINGH RAWAT

... Appellant(s)

Versus

STATE OF UTTARKHAND

... Respondent(s)

ORDER

Leave granted.

The appellant was convicted under Section 333 of the Indian Penal Code, which carries a maximum sentence of 10 years rigorous imprisonment and fine or both. However, the appellant was sentenced to three years' rigorous imprisonment in the facts and circumstances of the case. The incident appears to have occurred over the drawing of water from the public canal, which was under the supervision of the victim. In the process, the victim suffered injuries, which included fracture to his tibia.

The incident is one of 1989. Apart from the above, the circumstances in which the punishment was awarded does not, in our view, warrant such a severe punishment, as has

been awarded.

Accordingly, we reduce the sentence to a period of one year giving credit for the period which has already been undergone by him in the meantime.

The appeal is allowed to the aforesaid extent.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

New Delhi,
November 28, 2008.

