

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.S-2173-SB of 2003

Date of Decision : April 22, 2015

Paramjit Singh

.....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

Present : Ms. G.K. Mann, Advocate.

Mr. R.S. Randhawa, Additional Advocate General, Punjab.

T.P.S. MANN, J. (Oral)

The appellant was tried in a private criminal complaint for committing offence punishable under Section 307 IPC on the allegations that on 6.3.1995 at about 6.30 p.m., he had given a stab wound with a Barchha in the abdomen of complainant Sandeep Singh with an intention to kill him. Vide judgment and order dated 28.10.2003, the Additional Sessions Judge (Adhoc), Ludhiana believed the prosecution version and held that it was the appellant who had caused the injury on the person of Sandeep Singh. However, the appellant was acquitted under Section 307 IPC as Dr.Krishan Kumar had nowhere mentioned that the injury on the person of Sandeep Singh was dangerous to life. Instead, he was convicted under Section 326 IPC as the injured could not follow his ordinary pursuits during the space of 20 days and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/- and in default of payment of fine, to suffer further rigorous imprisonment for one month.

Having heard learned counsel for the appellant and on going through the trial Court record, this Court finds that injured

Sandeep Singh, while appearing as PW1, had categorically stated that it was the appellant, who had given a blow with Barchha in his abdomen. On account of the injury received by him, he was removed to Dayanand Medical College and Hospital, Ludhiana where he was given medical treatment. The motive behind the occurrence was the drunken brawl and personality clash between the appellant and the complainant which had occurred about 5/6 days prior to the occurrence. He further testified that he was discharged from the hospital on 10.4.1995. The testimony of PW1 Sandeep Singh was duly corroborated by his brother Inderjit Singh, who appeared before the trial Court as PW2. On re-appreciation of the prosecution evidence, it is made out that there is ring of truth when the witnesses stated that it was the appellant who had caused a stab wound in the abdomen of injured Sandeep Singh. The defence has tried to pick holes in the prosecution but remained unsuccessful. The ocular account of the occurrence was also corroborated by PW4 Dr. Krishan Kumar, who had admitted injured Sandeep Singh in the hospital with stab wound in his abdomen. He had also testified that he operated upon Sandeep Singh and discharged him from the hospital on 10.4.1995.

In view of the above, no case is made out for any interference in the conviction of the appellant under Section 326 IPC.

The appellant is facing the agony of criminal proceedings since the year 1995. After being summoned by the trial Court as an accused, the appellant had remained in jail for some time. During his examination under Section 235 Cr.P.C., the appellant had pleaded that he was the eldest member in his family. It is also submitted that the injury suffered by the complainant was declared grievous not for the reason that any bone was fractured but it was for the reason that the injured had remained in the hospital and was not able to follow his ordinary pursuits over a period of more than 20 days.

As per the custody certificate produced by the learned State counsel, the appellant has already undergone a period of 16 days. He is not shown to be involved in any other criminal case.

Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose will be served by sending the appellant behind the bars, once again, to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met by reducing his substantive sentence of imprisonment to that already undergone by him. At the same time, the amount of fine, imposed upon the appellant by the trial Court can be suitably enhanced so that the same can be paid to complainant Sandeep Singh as compensation.

Resultantly, the conviction of the appellant under Section 326 IPC is maintained. His substantive sentence of imprisonment is reduced to the one already undergone by him. The amount of fine of Rs.1,000/- imposed upon the appellant by the trial Court is enhanced to Rs.25,000/- and in default of its payment, he shall undergo rigorous imprisonment for one year. The amount of fine, when deposited by the appellant, be paid to complainant Sandeep Singh as compensation.

The appeal is, accordingly, disposed of.

April 22, 2015
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(T.P.S. MANN)
JUDGE