

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Appeal No. S-2254-SB of 2003

DATE OF DECISION: 23.12.2015

Avtar Singh and others

Versus

State of Haryana

.....Petitioners

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)
2. To be referred to reporters or not? (Yes/No)
3. Whether the judgment should be reported in the Digest? (Yes/No)

Present:- Mr. Paras Talwar, Advocate
for the appellants.
Mr. B.S. Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present appeal has been filed to challenge the judgment of conviction and order of sentence dated 15/17.11.2003 passed by Additional Sessions Judge, Fast Track Court, Ambala, vide which, accused-appellants, namely, Avtar Singh, Surjit and Jaswinder Singh have been convicted and sentenced as mentioned below:-

Name of the accused	Under section	Punishment
Attar Singh	323/34 IPC	One year RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	324/34 IPC	Three years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	325/34 IPC	Three years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	506/34 IPC	Two years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.

Name of the accused	Under section	Punishment
Surjit Singh	323/34 IPC	One year RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	324/34 IPC	Three years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	325/34 IPC	Three years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	506/34 IPC	Two years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
Jaswinder Singh	323/34 IPC	One year RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	324/34 IPC	Three years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	325/34 IPC	Three years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.
	506/34 IPC	Two years RI and ₹ 1000/- as fine failing the payment of fine he shall further undergo RI for one month.

Learned counsel for the appellants has raised various arguments to contest the appeal on merits but when the Court is not inclined to interfere with the judgment of conviction, he submits that the accused-appellants are ready to compensate the injured in monetary terms in case the sentence is reduced to the period already undergone by them as they are facing the agony of trial since lodging of the FIR i.e. 5.8.1999. Learned counsel further contends that the accused-appellants are not involved in any other case. They are poor persons and are the only bread winners of their respective large family. Learned counsel prays that a

lenient view may be taken and the sentence imposed upon the accused-appellants may be reduced to the period already undergone by them.

Learned counsel for the respondent-State has not disputed the submissions made by learned counsel for the appellants and submits that he has no objection in reducing the sentence to the period already undergone in case the injured is compensated in monetary terms.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

Although learned counsel for the appellants has raised various arguments to challenge the judgment of conviction but when the Court is not inclined to interfere with the same, he restricted his prayer qua to quantum of sentence only and prays that the sentence imposed upon the accused-appellants may be reduced to the period already undergone by them. He further submits that the accused-appellants are facing the agony of trial since the date of lodging of the FIR i.e. 5.8.1999 and they are the only bread winners of their respective family. Furthermore, they are even ready to compensate the injured in monetary terms.

In view of the submissions made by learned counsel for the appellants, the conviction of the accused-appellants is upheld and the sentence imposed upon them is reduced to the period already undergone by them subject to deposit of an amount of ₹ 50,000/- as compensation to be shared equally by the appellants with the trial Court within a period of two months from the date of receipt of certified copy of the order, which shall further be disbursed to the complainant-injured. In case the said amount is not deposited within the period as mentioned above, the accused-appellants shall have to undergo the remaining part of their respective sentences. The sentence of fine shall remain the same.

Crl. Appeal No. S-2254-SB of 2003

(4)

With the aforesaid modification in sentence, the present appeal is disposed of.

December 23, 2015
pooja

(DAYA CHAUDHARY)
JUDGE