

In the High Court of Punjab and Haryana at Chandigarh

1. Crl. Revision No. 659 of 2007 (O&M)
Date of decision: 2.12.2015

Darshan Lal and anotherPetitioners

Versus

Pritam Singh and anotherRespondents

2. Crl. Revision No. 706 of 2007 (O&M)

Manmohan Lal @ KukkuPetitioner

Versus

Pritam Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K.Manhas, Advocate
(in CRR No. 659 of 2007)

Mr. Pawan Girdhar, Advocate
(in CRR No. 706 of 2007)
for the petitioner(s).

Mr. S.S.Bhinder, Advocate
for respondent No. 1.

Mr. J.S.Sekhon, AAG, Punjab.

SABINA, J.

Vide this order, above mentioned two petitions would be disposed of.

Petitioners had faced the trial in a complaint filed by respondent No. 1-complainant Pritam Singh (since deceased) under Section 323, 325, 452/34 of the Indian Penal Code, 1860 ('IPC' for

short). Trial Court vide judgment/order dated 22.3.2005/23.3.2005 ordered the conviction and sentence of the petitioners under Section 323, 325, 452, 506/34 IPC. Aggrieved against the said judgment/order of their conviction and sentence, petitioners preferred an appeal and the same was dismissed by the Appellate Court vide order dated 4.4.2007. Hence, the present petitions by the petitioners.

So far as petitioner Mohan Singh is concerned, he has died during the pendency of the petition. In this regard, Death Certificate of petitioner Mohan Singh has been placed on record by the learned State counsel. Consequently, proceedings qua petitioner Mohan Singh stand abated and the petition qua him is disposed of accordingly.

Learned counsel on behalf of petitioners Darshan Lal and Manmohan Lal alias Kukku have not challenged their conviction under Section 323, 325, 452, 506/34 IPC but have submitted that their sentence qua imprisonment be reduced to the period already undergone by them. Learned counsel have further submitted that so far as petitioner Manmohan Lal alias Kukku is concerned, he is attributed a *lalkara* whereas petitioner Darshan Lal is attributed a simple injury on the person of the complainant. Learned counsel have further submitted that the petitioners are facing the criminal proceedings for the last about 20 years and are not previous convicts. Petitioners are doing the labour work and are ready to pay some compensation to the widow of the deceased complainant.

Learned counsel for respondent No. 1 has not opposed the submissions made by the learned counsel for the petitioners.

Accordingly, conviction of petitioners Darshan Lal and Manmohan Lal alias Kukku under Section 323, 325, 452, 506/34 IPC is maintained. However, sentence qua imprisonment of the said petitioners is reduced to the period already undergone by them. Petitioners Darshan Lal and Manmohan Lal alias Kukku shall deposit ₹ 30,000/- each before the Trial Court by way of compensation within one month from receipt of the copy of the order. The said amount be released to the widow of deceased complainant Pritam Singh, forthwith. In case petitioners fail to deposit the amount of compensation before the Trial Court within the stipulated period, the petition qua the defaulting petitioner shall be deemed to have been dismissed.

Both the petitions stand disposed of accordingly.

(SABINA)
JUDGE

December 02, 2015

Gurpreet