

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-1484-SB of 2003 (O&M)

Date of decision: 25.02.2015

Balbir Singh and others

...Appellants

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Manpreet Singh, Advocate for
Mr. Amrik Singh Kalra, Advocate
for the appellants.

Mr. Mehardeep Singh, DAG, Punjab.

Jitendra Chauhan, J.

This appeal is directed against the judgment of conviction and the order of sentence dated 05.08.2003, passed by the Addl. Sessions Judge, Fast Track Court, Ferozepur, vide which the accused/appellants were convicted for the offences punishable under Sections 323, 324, 325 and 34 of the Indian Penal Code (hereinafter called as 'IPC') and sentenced them to undergo rigorous imprisonment as under:-

Name of Accused	Under Section	RI	Fine	In default of payment of fine
Balbir Singh	325/34 IPC	02 years	500	RI for three months
	324 IPC	02 years	1000	RI for six months
	323/34 IPC	06 months	500	
Jagir Singh	325/34 IPC	02 years	500	RI for three months
	324/34 IPC	1 ½ years	1000	RI for three months
	323 IPC	06 months		
	323/34 IPC	03 months		
Kashmir Singh	325 IPC	03 years	1500	RI for six months
	324/34 IPC	1 ½ years	500	RI for three months
	323 IPC	06 months		
	323/34 IPC	03 months		
Teja Singh	325/34 IPC	02 years	500	RI for three months
	324/34 IPC	1 ½ years	500	RI for three months
	323 IPC	06 months		
	323/34 IPC	03 months		

The prosecution case against the appellants is that on 15.02.2000, the accused/appellants caused injuries to Puran Singh and his father Fauja Singh with their respective weapons, while they were returning to their house on bicycles after irrigating their wheat crops.

On commitment, the accused were charged under Section 307, 323, 324 and 34 IPC, to which the accused/appellants pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 Dr. Akash Kumar; PW-2 Dr. Balraj Vohra; PW-3 Patwari Gurcharan Singh Constable; PW-4 Dr. Puneet Mittal; PW-5 Puran Singh; PW-6 Fauja Singh and PW-7 ASI Raj Singh.

The statement of the accused under Section 313 Cr.P.C., was recorded. They pleaded innocence and alleged false implication.

After hearing the Public Prosecutor for the State, the Counsel for the accused, and after going through the evidence, on record, the trial Court convicted and sentenced the accused/appellant, as stated hereinbefore.

Feeling aggrieved against the judgment of conviction and the order of sentence delivered by the Trial Court, the instant appeal was filed by the accused/appellant which was admitted on 21.08.2003.

The learned counsel for the appellants does not press the appeal on its merits and submitted that the appellant Balbir Singh has already undergone one year out of substantive sentence of two years and other appellants have also undergone their substantive part of their sentence. The appellants are first offenders. They are the sole bread earner of their families. Learned counsel prays that a lenient view on the quantum of sentence imposed by the trial Court.

On the other hand, the learned State counsel opposed the prayer of appellants/accused.

This Court has heard the arguments of the learned counsel for the appellants as also of the learned State counsel and has carefully gone through the record of the case.

The prosecution case is fully proved by the statement of

PW-5 Puran Singh, which has been fully corroborated by PW-6 Fauja Singh. The testimonies of other formal witnesses has also proved the link evidence of the prosecution. There is no flaw in the unassailed judgment of conviction. There is no merit in this appeal which is dismissed on merits.

The occurrence in the instance case took place on 15.02.2000. The appellants have suffered agony of criminal trial for about 15 years. Keeping in view the accusation, it is a sufficient mitigating circumstance to accord the leniency. The appellants are stated to be the first offenders. They have not repeated the offence. In the considered opinion of this Court, it is a fit case wherein the sentence awarded to the appellants can be reduced to the period already undergone.

Ordered accordingly.

However, the appellants are directed to pay ₹1,00,000/- each to the injured as compensation to be paid within 90 days after the receipt of certified copy of the order. It is made clear that if the amount of fine is not paid within the stipulated period, the present appeal shall be deemed to be dismissed without notice.

25.02.2015

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(JITENDRA CHAUHAN)
JUDGE