

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

CRR No.1014 of 2015 (O&M)

Date of decision:03.07.2015

Om Parkash @ Dimpi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. K.S. Sandhu, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

The present revision petition is directed against the judgment dated 23.01.2015 passed by the learned Sessions Judge, Ludhiana in terms of which the judgment of conviction and order of sentence dated 23.02.2011 passed by the learned Judicial Magistrate 1st Class, Ludhiana convicting the petitioner for offence under Section 326 IPC sentencing him to RI for a period of two years along with fine of Rs.1000/- and under Section 324 IPC sentencing him for a period of one year has been upheld.

Brief prosecution version is that the complainant, Ravinder Singh got a statement recorded that on 15.07.2006 at about 7.30 P.M., he along with his brother, Mintu were standing in the street and whereupon the accused/present petitioner, Om Parkash took out scissors from his pocket and gave a blow towards his neck. Upon the complainant having tried to avoid the blow, he was struck on his left cheek. Thereafter when his brother

tried to rescue him, the accused ran away from the spot.

The present petition came up for preliminary hearing before this Court on 23.03.2015 and counsel for the petitioner suffered a statement that he was not assailing the conviction of the petitioner on merits in the light of the cogent and plausible evidence adduced on record but was confining the scope of the revision petition only as regards quantum of sentence.

Having heard counsel for the parties at length, this Court is of the considered view that there would be no scope of interference under the limited revisional jurisdiction in the light of the well reasoned judgments recorded by the Courts below as regards conviction of the petitioner for commission of offence under Sections 326/324 IPC is concerned. Accordingly, conviction of the petitioner is upheld.

Insofar as quantum of sentence is concerned, it would be apposite to notice that offence under Section 326 IPC has been attracted on account of dislocation of a tooth of the injured as would be clear from the deposition of Dr. Sumit Bansal and who had stated that the upper left first second molar was displaced and was grade three mobile.

As per custody certificate furnished by learned State counsel, the petitioner has already undergone a total sentence period of 6 months and 4 days as on 03.07.2015 against the substantive sentence of 2 years RI. The petitioner is not a previous convict and is not involved in any other criminal proceedings. Petitioner has faced the pangs of criminal trial since the year 2006. Right to speedy trial is a fundamental right of the accused which flows from Article 21 of the Constitution of India. If the Court is not able to assure the accused speedy trial, it would be open for the Court to show him

some consideration towards sentence.

In the totality of circumstances, this Court is of the considered view that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone.

Ordered accordingly.

For the reasons recorded above, the present revision petition is dismissed as regards conviction of the petitioner for offence under Sections 324/326 IPC. Sentence is reduced to the period already undergone. Fine, if not paid, be deposited immediately. Petitioner be released thereafter forthwith.

Revision petition disposed of in the aforesaid terms.

July 03, 2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

Note: Whether referred to the Reporter?

Yes