

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

**Crl. Revision No.124 of 2015 (O&M)
Date of decision : 27.02.2015**

Inderjit Singh and another

...Petitioners

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tejinder Pal Singh, Advocate,
for the petitioners.

Mr. Gurvir Sidhu, AAG, Punjab.

RITU BAHRI, J.

Challenge in this petition is to the judgment dated 22.12.2014 passed by the Additional Sessions Judge, Ludhiana, whereby he has partly allowed the appeal filed by State of Punjab against the judgment and order dated 04.12.2012 passed by the Judicial Magistrate, Ist Class, Ludhiana.

The trial Court, vide judgment dated 04.12.2012, convicted the accused-petitioners Inderjit Singh and Tarlok Singh, along with one Dilbagh Singh, under Sections 365/342/323/506 IPC, but acquitted them for the offences punishable under Sections 379, 427, 447 IPC. Feeling aggrieved, the State had filed an appeal praying that accused should be convicted under Sections 379, 427, 447 IPC also. The appellate Court partly allowed the vide judgment dated 22.12.2014 and convicted the accused under Sections 379/447 IPC. They were sentenced them as under:-

Offence	Sentence

U/S 379 IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/- each. In default of payment of fine, to further undergo simple imprisonment for a period of one month.
U/S 447 IPC	Rigorous imprisonment for a period of three months.

The FIR was registered on the basis of statement made by Sham Singh-complainant, alleging that for the last 26 years, he along with other co-sharers, was cultivating land measuring 33 acres, which was owned by Central Govt/Custodian. He had sown *Gowara*, *Arhar*, Fodder, *Makki*, *Jawar* and Moongi crops over the said land. His servants namely Khan, Raju and Hirdey used to remain there in a house. On 17.06.1996, he along with his gunman-Harpreet Singh went towards his fields in a car. His son also accompanied them on a Ford Tractor. When they reached near the fields, Dilbagh Singh, Tarlok Singh, Secretary, Jaswinder Singh and Inderjit Singh were found standing there along with 25/30 other persons, armed with weapons. On seeing the complainant, Dilbagh Singh and Inderjit Singh raised lalkara that they should not be spared. Thereafter, Dilbagh Singh gave a *Takua* blow to Satbir Singh, son of the complainant, however, the same was struck on the tractor. Upon this, his son ran away fromt the spot along with his tractor. Thereafter, the assailants left the spot by giving threats to the complainant. When the complainant went to the house, situated in the fields, he found that his servants/labourers along with their children were not present there. Some other household articles i.e. one trolly, one *sohaga*, barbed wire, machine to plant trees, 6 spades, *khurpas* (*spades*) etc. were also missing. Later on, he came to know that on 17.07.1996, Dilbagh Singh along with other accused persons had stolen those articles and kidnapped the servants of the complainant. In this background, the FIR was registered. On completion of investigation, challan was presented.

After presentation of challan, charges under Sections 447/365/342/379/323/427/506 IPC were framed against the accused-petitioners along with their co-accused, to which, they pleaded not guilty and claimed trial.

In order to prove its case against the accused, the prosecution examined 11 witnesses and thereafter, the evidence of prosecution was closed by order.

Statements of accused-petitioners and their co-accused under Section 313 Cr.P.C. were recorded, wherein entire incriminating evidence was put to them. However, they denied the same and pleaded false implication. In defence, the accused examined Jagga Singh as DW-1.

The trial Court, after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioners under Sections 365/342/323/506 IPC, but acquitted them of the charges under Sections 379/427/447 IPC. State's appeal against the said judgment was partly allowed by the Additional Sessions Judge, Ludhiana, vide judgment dated 22.12.2014 and accused-petitioners were convicted and sentenced in the aforesaid terms. Hence, this petition.

Learned counsel for the petitioners, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

After going through the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court.

Accordingly, the present petition is dismissed. However, a lenient view can be taken on the quantum of sentence. As per custody

certificates, the petitioners have undergone 1 month and 4 days in custody and they are not facing any other criminal trial. They are not previous convicts. Keeping in view that the incident in the present case took place in the year 1996 and the petitioners have been facing the agony of a protracted criminal trial for the last 19 years, the sentence of imprisonment awarded to the petitioners is reduced to the period already undergone. However, amount of fine is enhanced from Rs.1000/- to Rs.3000/- each.

With the above modification/direction, the present petition stands disposed of.

(RITU BAHRI)
JUDGE

27.02.2015
ajp