

IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.

Crl. Revision No.2860 of 2015 (O&M)
Date of decision: 19.11.2015

Darshan Singh & others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. Rajbir Singh, Advocate for the complainant.

Rajan Gupta, J. (oral)

Petitioners Darshan Singh and others had been convicted by the Judicial Magistrate 1st Class, Sangrur, under sections 325, 323 read with section 34 IPC as under:-

Sr. No.	Name of accused	Offence	Imprisonment
1.	Darshan Singh	U/S 325 IPC	To undergo rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for 15 days.
		U/S 323 read with Section 34 IPC	To undergo rigorous imprisonment for six months.
2.	Jeet Singh son of Jaggar Singh	U/S 325 read with section 34 IPC	To undergo rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for 15 days.

		U/S 323 read with section 34 IPC	To undergo rigorous imprisonment for six months.
3.	Kirpal Singh	U/S 325 read with section 34 IPC	To undergo rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for 15 days.
		U/S 323 IPC	To undergo rigorous imprisonment for six months.
4.	Jeet Singh son of Amar Singh	U/S 325 IPC read with section 34 IPC	To undergo rigorous imprisonment for two years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for 15 days.
		U/S 323 read with section 34 IPC	To undergo rigorous imprisonment for six months.

Petitioners preferred appeal against the judgment of their conviction/sentence, which was dismissed by Addl. Sessions Judge, Sangrur, vide judgment dated 20.07.2015.

Feeling aggrieved against the judgments of both the courts below, the petitioners have approached this court through the instant Criminal Revision.

Notice of motion in this case was issued only to consider the quantum of sentence awarded by the courts below. During hearing of this case, learned counsel for the petitioners stated that petitioners are ready to compensate the complainant to the extent of Rs.1.00 lac. He has filed affidavit of brother of petitioner No.1, who has been duly identified by him. The affidavit is taken on record as Mark 'A'. Another affidavit has been filed by the complainant Mohan Singh, who is present in court and has been duly identified by his counsel which is taken on

record as Mark 'B'. The amount of Rs.1.00 lac has been handed over to the complainant in the court itself. Learned counsel for the petitioners submits that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioners is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 10.5.2012, ASI Amrik Singh on receipt of information regarding admission of Mohan Singh complainant in Civil Hospital, Sangrur, reached there alongwith HC Bikar Singh. He recorded statement of complainant to the effect that on 7.5.2012, when he returned to his house after attending the court of S.D.M., Sangrur, he received a call from Haripal for making payment of tractor. He went to his field on his motorcycle. He switched on automatic starter of the motor. When he was returning home, on the way all the accused (petitioners herein) alongwith two unknown persons, who were standing behind a tractor, attacked the complainant. Accused Darshan Singh fired upon him which did not hit him. He again fired from his revolver and after taking *Ghop* from the tractor, Darshan Singh inflicted its blows repeatedly on the person of the complainant. Other accused also gave stick blows and took Rs.15,000/- from the complainant. When

complainant raised hue and cry, son of Kaka and one Pal Singh reached there who rescued him from the accused. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 323, 325 read with Section 34 IPC, charge was framed against the accused/petitioners, to which they pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as three witnesses.

Statements of the accused under Section 313 Cr.P.C. were recorded, wherein all the incriminating evidence available on record was put to them. They refuted the incriminating circumstances and pleaded false implication. In defence, accused examined Harpal Singh as DW-1.

On the basis of the evidence on record, the learned trial court held the petitioners guilty of the charge under sections 323/325 read with section 34 IPC and sentenced them as already indicated above. Appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Sangrur on 20.07.2015.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioners guilty of the charge framed against them. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioners is, thus, affirmed.

Even counsel for the petitioners, during the course of

arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioners are poor persons and main bread winner of their family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated. Even the complainant has been compensated to the extent of Rs.1.00 lac as mentioned above.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioners shall be reduced to that already undergone.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(RAJAN GUPTA)
JUDGE

19.11.2015
'Rajpal'