

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

Crl. Revision No.2956 of 2015 (O&M)  
Date of decision: 31.10.2015

Lachman Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Sanyam Malhotra, Advocate, for the petitioner.  
Mr. Shilesh Gupta, Addl.A.G., Punjab.

**Rajan Gupta, J.**

Petitioner Lachman Singh had been convicted by the Judicial Magistrate Ist Class, Sunam, under section 325 IPC and was sentenced to undergo RI for two years and to pay a fine of ₹ 500/-.

The petitioner preferred appeal against the judgment of his conviction/sentence, whereby sentence imposed upon the petitioner was reduced to one and a half year by Additional Sessions Judge, Sangrur, vide judgment dated 24.03.2015.

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

Learned counsel for the petitioner at the outset states 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 petitioner 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 31.05.2010, HC Tejinder Singh recorded statement of injured Labh Singh, resident of Janal to the effect that he is posted as chowkidar at Sular Gharath Nursery and was also working as labourer. He stated that there were female labourers working in Nursery. Petitioner-accused usually passed bad remarks and did vulgar acts with female workers to which he always raised objections. On 28.05.2010 at about 8.30 p.m. an altercation took place between him and accused Lachman Singh in the nursery. Accused took sickle and hit from its back side on his mouth which hit on his left jaw and he again gave blow of sickle on left eye and mouth of Labh Singh. Accused also gave him fist blows. On raising his alarm accused ran away from the spot alongwith sickle. Complainant-Labh Singh became unconscious and he slept in the nursery. In the morning his wife called Kuldeep Singh who took him to Civil Hospital Korian from where he was referred to Rajindra Hospital Patiala and from where he was referred to PGI Chandigarh.

Thereafter, the trial court charge sheeted the accused Lachman Singh under Section 325 IPC to which he pleaded not guilty

and claimed trial.

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

The statement of the accused under Section 313 Cr.P.C. were recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. In his defence, he examined Gurdial Singh-DW1.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under section 325 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was modified to the extent that sentence imposed upon the accused was reduced to one and a half years.

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 petitioner guilty of the charge framed against him. The appellate court has rightly partly modified the sentence. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, 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 petitioner is a poor persons and main bread winner of his

family including old parents and he is not previous convict. 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.

Incident occurred 05 years ago in which the accused was found to be guilty of offence under Section 325 IPC. Stand of the State is that in case this court intends to maintain the conviction of the petitioner and reduce the quantum of sentence to that already undergone, State would have no reason to stand in the way of such orders.

Thus, keeping in view the facts and circumstances of the case it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, fine imposed by the trial court is enhanced from ₹5,00/- to ₹ 30,000/- to be paid as compensation to the injured-Labh Singh. The fine be deposited within three months from the date of receipt of certified copy of this order. However, in case fine aforesaid is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court.

Except with modification in the quantum of sentence and fine, as indicated hereinabove, the revision petition is dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

31.10.2015  
*sukhpreet*