

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3292 of 2015 (O&M)****Date of Decision: October 05, 2015**

Raju and others

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.S.S.Salar, Advocate
for the petitioners.Mr.B.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners against the judgment of conviction and order of sentence dated 15.06.2012 passed by learned JMIC, Malerkotla, vide which the petitioners were convicted under Sections 341, 325/34, 323 and 506 IPC and sentenced to undergo rigorous imprisonment for a maximum period of one year and also against the judgment dated 13.08.2015 passed by learned Addl. Sessions Judge, Sangrur, vide which the appeal filed by the petitioners was dismissed.

After preliminary hearing, notice of motion was issued only regarding quantum of sentence qua petitioners Khanaik @ Sonu and Sangu @ Sanjiv and the present revision petition qua petitioner Raju was dismissed. Learned State counsel appeared on behalf of the respondent-State and contested the petition.

At the time of arguments, learned counsel for the

petitioners Khanaik @ Sonu and Sangu @ Sanjiv prayed for lenient view against these petitioners.

I have heard learned counsel for the petitioners Khanaik @ Sonu and Sangu @ Sanjiv as well as learned State counsel and have gone through the record.

From the record, I find that as per prosecution version, Khanaik @ Sonu and Sangu @ Sanjiv were empty handed and they were not armed with any deadly weapon. No injury has been attributed to them. There was no active participation in the commission of the offence by them. The FIR was registered in this case on 10.11.2007 and since then, these petitioners are suffering from long protracted criminal proceedings. Furthermore, at the time of occurrence, Khanaik @ Sonu was 32 years old and Sangu @ Sanjiv was 23 years old, i.e. they are of young age. Nothing has been pointed out as to whether they have earlier convicted for any offence or not which means that they are first offenders. They have already undergone sentence more than one month and twenty days.

In view of the above discussion, the present revision petition is partly accepted qua petitioners Khanaik alias Sonu and Sangu alias Sanjiv. The sentence of both the petitioners is reduced to the period already undergone by them. Petitioners Khanaik alias Sonu and Sangu alias Sanjiv, who are in custody, be released forthwith if their custody is not required in connection with any other case, subject to payment of fine, if already not paid.

October 05, 2015

Vgulati

**(INDERJIT SINGH)
JUDGE**