

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.3971 of 2014
Decided on : 25.03.2015

Baljit Singh & anr. Petitioners

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE PARAMJEET SINGH

Present:- Mr. K.S.Sidhu, Advocate for
Mr. Aminder Singh, Advocate for the petitioners.

Mr. S.S.Chandumajra, DAG, Punjab.

Paramjeet Singh, J.(Oral)

Present criminal revision has been preferred by the petitioners against judgment dated 28.11.2014 passed by the learned Sessions Judge, Sangrur, whereby appeals preferred by the petitioners have been dismissed and judgment of conviction and order of sentence dated 04.08.2014 passed by the learned Judicial Magistrate Ist Class, Malerkotla, whereby petitioners have been sentenced as under:

<i>Name of Convict</i>	<i>U/s</i>	<i>Sentence</i>
Baljit Singh	323/24 IPC	R.I. Six month and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for one week.
	325/34 IPC	R.I. for one year and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for one week.
Pappy @ Gurcharan Singh	323/24 IPC	R.I. Six month and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for one week.
	325/34 IPC	R.I. for one year and to pay fine of Rs.500/-. In default thereof to further undergo imprisonment for one week.

All the sentences have been ordered to run concurrently.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned

Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioners states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioners be suitably reduced to already undergone as this criminal trial is hanging on their head like damocle's sword for more than five years and it should be a sufficient mitigating circumstance to treat them leniently. Counsel for the petitioners has further submitted that the complaint pertains to the year 2009 and since then a period of more than five years has elapsed. The petitioners have suffered the ordeal for long period. Learned counsel for the petitioners further contends that the petitioners have already undergone more than three months.

In view of the arguments advanced by learned counsel for the petitioners, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioners behind the bars further as the petitioners faced ordeal for more than five years. It is a fit case wherein sentence awarded to the petitioners can be reduced to already undergone subject to compensation of Rs.25,000/- to be paid to the victim equally by the petitioners i.e. Rs.12,500/- each under Section 357-A of Cr.P.C. Ordered accordingly. The impugned judgments of conviction and orders of sentence, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine/compensation is not

deposited, the petitioners will serve the remaining part of sentence.

With the observations made above, present revision petition is disposed of. Petitioner No.1 is stated to be on bail. Petitioner No.2 is directed to be released immediately, if not required in any other case.

25.03.2015
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(Paramjeet Singh)
Judge