

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.4009 of 2014 (O&M)

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Date of decision:20.2.2015

Banta Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Pravesh Sachdeva, Advocate for the petitioner.

Mr. Amarinder Singh Klar, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned judgment dated 9.10.2014 passed by learned Additional Sessions Judge, Fazilka, dismissing the appeal filed by the petitioner against the impugned judgment of conviction and the order of sentence dated 12.9.2014 passed by the learned Judicial Magistrate Ist Class, Abohar.

It is mainly stated in the grounds of revision that the impugned judgment and order dated 12.9.2014 passed by the learned Judicial Magistrate Ist Class, Abohar and the impugned judgment dated 9.10.2014 passed by learned Additional Sessions Judge, Fazilka, are against the law as well as facts and evidence on record, hence the same are liable to be set

aside.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below, however, pressed for reduction of sentence and the notice of motion was issued only on the quantum of sentence.

Learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this revision petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab for the respondent-State and have gone through the record.

From the record, I find that challan was presented against Banta Singh accused-present petitioner in FIR No.102 dated 7.4.2009 registered for the offences under Sections 326, 323 and 324 IPC at Police Station City Abohar on the allegations that on 2.4.2009 at about 11.00 p.m., Gurnam Singh was going on Moped to receive his brother Amar Singh and when he reached near Guru Kirpa Colony, Abohar through road, he met a person on a rickshaw loaded with woods thereon, to whom he recognized with the help of light of Moped as Banta Singh, who is rickshaw puller and he was knowing him earlier. Banta Singh struck his rickshaw with his Moped and he stopped his Moped. Accused took out one 'Toki' (instrument of cutting) from his rickshaw and there was exchange of hot words between them. During this time, Banta Singh gave blow of 'Toki', which hit on left side of his (Gurnam Singh's) head from sharp side and another blow was given by

Banta Singh which hit on the left side of his neck and he gave another blow, which hit on his left eyebrow. After necessary investigation, challan was presented in the Court.

After recording the evidence and hearing learned counsel for the parties, the learned Judicial Magistrate Ist Class convicted and sentenced the present revision petitioner to undergo rigorous imprisonment for two years and to pay a fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for ten days for the offence under Section 326 IPC. He has also been sentenced to undergo imprisonment for six months and to pay a fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for ten days for the offence under Section 324 IPC. He has also been sentenced to undergo rigorous imprisonment for three months for the offence under Section 323 IPC. All the sentences of imprisonment awarded were ordered to run concurrently.

The present revision petitioner filed an appeal, which was also dismissed by the learned Additional sessions Judge, Fazilka.

At the time of arguments, learned counsel for the petitioner argued that the petitioner is a poor person, the only bread earner and having small children. Therefore, he argued that a lenient view may be taken and his sentence may be reduced to already undergone as he has already undergone 11 months and 15 days of sentence and has also earned remission of 12 days.

The learned Assistant Advocate General, Punjab objects to the reduction of sentence keeping in view the nature and gravity of the offences.

From the record, I find that in the present case, the revision petitioner had given three injuries on the vital parts of the body of the injured. He gave injuries with sharp edged weapon on the head of injured Gurnam Singh, which injury had been declared as grievous and falls under Section 326 IPC. He gave another injury with sharp edged weapon i.e. 'Toki' on the neck of Gurnam Singh. Third injury is on the left eyebrow. Keeping in view the injuries given by the present petitioner on the vital parts of the body and grievous injury on the head and the petitioner had only been sentenced to undergo rigorous imprisonment for two years for the offence under Section 326 IPC, I do not find it a fit case where a lenient view should be taken against the petitioner. From the record, I find that both the judgments passed by the Courts below are correct and as per law and have been given with sound reasoning, which do not require any interference from this Court and the same are upheld.

From the above discussion, I do not find any ground to reduce the sentence of the petitioner.

Therefore, from the above discussion, I do not find any merit in the present criminal revision petition and the same is dismissed accordingly.

February 20, 2015.

(Inderjit Singh)
Judge

hsp