

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRR-4041-2014 (O&M)

Decided on : 04.02.2015

Kaur Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Kunal Dawar, Advocate for the petitioner.
Mr.APS Gill, AAG, Punjab.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

Ajay Tewari, J. (Oral)

This revision petition has been filed against the concurrent conviction of the petitioner under Sections 326, 323 read with 34, IPC in a case FIR No.90 dated 28.05.2014, registered under Sections 326, 323 read with Section 34 of IPC, at Police Station Lambi, District Sri Muktsar Sahib.

On 15.12.2014, the following order was passed:-

“Learned counsel states that he would not press this petition on merits but keeping in view the nature of the injuries and the age of the petitioner, there is definitely some scope for reduction in the sentence/probation.”

Learned counsel for the petitioner has placed reliance on two judgments of this Court titled as “Chhota Khan Vs. State of Punjab, 2011(5) RCR (Criminal) 14 and CRR No.3962 of 2014 titled as “Sadhu Singh and others Vs.State of Punjab and has argued that in both the petitions, petitioners were bread earner of the family and they were not

previous convicts and consequently, reduced the imprisonment to that already undergone. In Chhota Khan's case (supra), the court had enhanced the compensation from Rs.5,000/- to Rs.20,000/- and had ordered that the same be paid to the victim.

In this case also, the petitioner is also 50 years old and not a previous convict. There has been history of litigation between the parties and the petitioner suffered more than 04 months of imprisonment.

Learned State counsel has not been able to show how the two judgments would be inapplicable.

Consequently, I accept the prayer made by the learned counsel for the petitioner while maintaining the conviction, reduce the sentence to that already undergone; the fine is enhanced to Rs.30,000/- to be paid to the victim.

Let fine be deposited within two weeks. In case fine is not deposited within the said period, this petition shall be deemed to have been dismissed.

[Ajay Tewari]
Judge

04.02.2015
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