

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**Crl. Revision No.836 of 2015 (O&M)
Date of Decision: 09-07-2015**

Darshan Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Ankur Mittal, Advocate
for the petitioner.

Mr. Mukesh Verma, Addl. A.G. Punjab.

Mr. G.S. Sandhu, Advocate
for the complainant.

ANITA CHAUDHRY, J.

Before venturing into the submissions with respect to the sentence part, it is necessary to notice few facts.

The revisionist Darshan Singh along with co-accused Karnail Singh, Maingal Singh, Sukhwinder Singh, Jagir Singh, Charanjit Kaur @ Jasvir Kaur @ Guddi and Surjit Kaur was tried and acquitted by JMIC, Jagraon vide judgment dated 21.04.2011 in FIR No.6 registered on 26.01.2001 under Sections 452, 326, 324, 323, 148, 149 IPC, Police Station Sudhar, District Ludhiana. The complainant filed an appeal and the Addl. Sessions Judge, Ludhiana vide its

judgment dated 23.01.2015, set aside the judgment dated 21.04.2011, passed by JMIC, Jagraon and convicted the revisionist Darshan Singh and three co-accused. Accused Jagir Singh was also convicted, however, taking into consideration his age being 64 years and a first time offender, facing trial for the last 13 years, observations were made that he has suffered on account of long trial and benefit of probation was extended to him. The appeal qua Charanjit Kaur and Surjit Kaur was dismissed and their acquittal as recorded by the trial Court was maintained. Revisionist Darshan Singh was sentenced to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine further imprisonment
452 IPC	2 years	1000/-	2 months
148 IPC	1 year	500/-	1 month
326/149 IPC	3 years	2000/-	3 months
324 IPC	1 year	500/-	1 month
323/149 IPC	6 months	500/-	15 days

All the sentences were ordered to run concurrently.

Aggrieved with the verdict, this revision has been filed. On 09.03.2015, learned counsel for the petitioner had confined his prayer only qua the quantum of sentence and notice of motion limited to that extent was issued.

I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

The counsel for the petitioner contends that the petitioner who is 55 years old, is the only bread earner in his family and he has three daughters and two sons and he is a first offender and had faced a protracted trial for the last more than 14 years as the incident is of 2001 and petitioner had remained in custody for a little over 6 months. Learned counsel for the petitioner contends that the sentence of the petitioner may be reduced to the period already undergone by him.

The State counsel has opposed the prayer and submits that convict-petitioner had inflicted blunt injury on the left eye of complainant Piara Singh and the appellate Court has already taken a lenient view and no leniency should be shown to the petitioner. However, he very fairly concedes that the petitioner is not involved in any other case.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the appellate Court convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned, it is noticed that the occurrence took place on 26.01.2001. The petitioner was convicted by the appellate Court vide judgment dated 23.01.2015. The petitioner has remained in custody a little over 6 months. Considering the fact that the petitioner has been undergoing the agony of the trial for the last more than 14 years and is first offender, I

am of the view that ends of justice would be met in case the sentence awarded to the petitioner is reduced to the period already undergone.

Thus, partly allowing the revision, the sentence awarded to the petitioner is reduced to the period already undergone. There would be no modification in the fine.

With the above said modification, the revision petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

09.07.2015
sunil