

CRR-849-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR-849-2015 (O&M).
Decided on: August 26, 2015.**

Surinder Kumar and others

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Inder Pal Singh, Advocate,
for the petitioners.**

Ms.Harjit Kaur Athwal, DAG., Punjab.

M.M.S. BEDI, J. (ORAL)

The petitioners are undergoing sentence of imprisonment for having committed offence under Sections 326 and 323 IPC. Petitioner Nos.1 & 2 have been convicted for the similar offence with the aid of Section 34 IPC for having shared common intention.

The lower Appellate Court modified/awarded the sentence as under: -

<i>Name of the appellant/ convict/accused</i>	<i>Offence under Section</i>	<i>Sentence by the lower Court</i>	<i>Sentence modified as per decision of appeal</i>
Vicky	326 IPC	RI for two years & fine of Rs.2,000/-	RI for 1 year and fine of Rs.2,000/- already imposed and paid before the lower Court.
	323/34 IPC	RI for 6 months & fine of Rs.1,000/-	RI for 3 months and fine of Rs.1,000/- already imposed and paid before the lower Court

CRR-849-2015 (O&M)

<i>Name of the appellant/ convict/accused</i>	<i>Offence under Section</i>	<i>Sentence by the lower Court</i>	<i>Sentence modified as per decision of appeal</i>
Sunny	326/34 IPC	RI for two years & fine of Rs.2,000/-	RI for 1 year and fine of Rs.2,000/- already imposed and paid before the lower Court.
	323 IPC	RI for 6 months & fine of Rs.1,000/-	RI for 3 months and fine of Rs.1,000/- already imposed and paid before the lower Court.
Surinder Kumar	326/34 IPC	RI for two years & fine of Rs.2,000/-	RI for 1 year and fine of Rs.2,000/- already imposed and paid before the lower Court.
	323/34 IPC	RI for 6 months & fine of Rs.1,000/-	RI for 3 months and fine of Rs.1,000/- already imposed and paid before the lower Court.

With the assistance of counsel for the petitioners, I have gone through the injuries attributed to petitioner No.3 Vicky with knife on the chest, shoulder and left armpit of the complainant. There does not appear to be any scope for interference in the order of conviction passed qua petitioner No.3 Vicky.

So far as petitioner Nos.1 & 2, Surinder Kumar and Sunny are concerned, petitioner No.1 has been attributed only lalkara whereas petitioner No.2 Sunny has been attributed a sota blow on the hip of the complainant.

Taking into consideration the role of petitioner Nos.1 & 2, there is scope of differentiating the case of petitioner Nos.1 & 2 with that of petitioner No.3. Accordingly, sentence of petitioner No.1

CRR-849-2015 (O&M)

Surinder Kumar under Section 326/34 IPC is reduced to RI for ten months from RI for one year awarded by the Appellate Court maintaining the sentence of fine as well as sentence and fine awarded under Section 323/34 IPC whereas sentence of petitioner No.2 Sunny under Section 326/34 is reduced to RI for ten months from RI for one year awarded by the Appellate Court maintaining the sentence of fine and sentence under Section 323 IPC is maintained.

In case of petitioner Nos.1 & 2 having undergone the above said period of sentence, they will be released forthwith. Their revision but for aforesaid modifications is dismissed.

The revision qua petitioner No.3 Vicky, having no merits, is hereby dismissed.

(M.M.S.BEDI)
JUDGE

August 26, 2015.
rka