

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

CRA-S-108-SB of 2003

DATE OF DECISION :- January 27, 2016

Avtar Singh alias Tara and others

...Appellants

Versus

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

Present:- Mr. A.P.S. Mann, Advocate for the appellants.

Mr. A.S. Virk, Additional PP, U.T., Chandigarh.

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? Yes/No

M.JEYAPPAUL, J.

1. Accused Avtar Singh @ Tara, Krishan Singh, Chajju Ram and Telu Ram @ Kala have challenged the conviction and sentence passed by the trial Court.
2. Accused/appellants Krishan Singh and Avtar Singh had died. As per the respective orders passed by this Court on 26.11.2014 and 27.1.2016 the appeal qua accused Krishan Singh and Avtar Singh abated.
3. Heard the submissions made on either side.
4. Accused Chajju Ram was convicted under Section 307 read with Section 34, 325 read with Section 34 and 323 of the Indian Penal Code. The maximum sentence imposed on accused Chajju

Ram was 4 years rigorous imprisonment. Accused Telu Ram was convicted under Section 307 read with Section 34, 325 and 323 of the Indian Penal code. The maximum sentence imposed upon him also was four years rigorous imprisonment.

5. As per the custody certificate produced by the State accused Chajju Ram and accused Telu Ram have each undergone 11 months of actual sentence imposed upon them.

6. Learned counsel appearing for appellants Chajju Ram and Telu Ram prayed for reducing the sentence to the period already undergone by the respective accused appellants. Of course, counsel for the State resisted such a submission made by learned counsel appearing for the appellants.

7. The entire records were thoroughly perused by me. As there was no challenge to the conviction recorded by the trial Court during the course of arguments, this Court has not chosen to embark upon any discussion on the merit of the appeal laid by the accused.

8. The fact remains that the occurrence had taken place on 22.4.1998. In other words, the appellants have faced the ordeal of trial for the past eighteen long years. Further, the main accused Avtar Singh, who caused an injury which was dangerous to life had already passed away and as a result of which the appeal qua him abated. Accused Chajju Ram had caused only a simple injury which attracted the penal provision under Section 323 IPC and accused Telu Ram had caused simple and grievous injury which attracted the penal provisions under Sections 323 and 325 IPC. As the accused-

appellants were present along with the deceased-appellants in furtherance of their common intention, accused Chajju Ram was convicted under Section 307 read with Section 34 IPC and Section 325 read with Section 34 of the Indian Penal Code and accused Telu Ram was convicted under Section 307 read with Section 34 IPC. The custody certificate would disclose that they were not involved in any other case for the past 18 long years. Considering the above facts and circumstances, I am of the view that reduction of sentence to the period already undergone by accused Chajju Ram and Telu Ram would meet the ends of justice.

9. In view of the above, judgment of conviction passed by the trial Court against accused Chajju Ram and Telu Ram stands confirmed but the sentence imposed by the trial Court on them is reduced to the period already undergone by them. The fine imposed on them by the trial Court stands maintained. The fine imposed by the trial, if not paid already, shall be paid within one month from the date of this judgment, failing which they shall undergo the default sentence imposed on them by the trial court.

10. The appeal stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

January 27, 2016
p.singh