

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

Criminal Appeal S-3528-SB of 2013
Date of Decision: December 22, 2016

Rajan @ Laddi		Appellant
	Versus	
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

Present: Mr. Ashish Pannu, Advocate
as Legal Aid Counsel for the appellant.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

T.P.S.MANN, J. (Oral)

The appellant, namely, Rajan @ Laddi, alongwith Devinder Kaur was tried for committing offences punishable under Sections 120-B and 307 IPC. Vide judgment and order dated 8.8.2013, learned Additional Sessions Judge, Ludhiana, acquitted Devinder Kaur of the charges framed against her. However, the appellant was convicted for committing offence under Section 307 IPC and sentenced to undergo rigorous imprisonment for eight years and to pay a fine of Rs.25,000/- and in default of payment of fine, to further undergo rigorous imprisonment for two years. Out of the fine imposed upon him, an amount of Rs.20,000/- was ordered to be paid to the

complainant/injured as compensation.

Aggrieved of his conviction and sentence, the appellant filed the present appeal, which was admitted on 22.10.2013. He had then applied for suspension of his sentence of imprisonment but remained unsuccessful. However, the Court directed listing of the appeal for final hearing.

According to the prosecution, accused Devinder Kaur got recorded statement with the police on 30.10.2007 to the effect that on 29.10.2007 her husband Amin Chand told her that he was going to the house under construction at Mundian Khurd but he did not turn up thereafter. She sent her son Sukhdeep Singh and son-in-law Rajan @ Laddi to find about the whereabouts of her husband, who told her that he was lying in an injured condition in the house under construction.

Further case of the prosecution is that injured Amin Chand got recorded his statement that due to his consuming liquor, there remained quarrel between him and his wife Devinder Kaur. His wife Devinder Kaur and son-in-law Rajan @ Laddi had beaten him on the day of Dussehra. As they wanted to kill him, his son-in-law Rajan @ Laddi came to his house and on his request, he accompanied him to the house under construction on 29.10.2007 at about 2.00 p.m. At that place, his son-in-law, Rajan @ Laddi and two persons were present there. All of them took

liquor. However, he became suspicious that his son-in-law and other persons wanted to kill him and, accordingly, he tried to run away from that place. However, they caught hold of him and threw him on the ground besides inflicting injuries with some sharp edged weapon on his neck. He had become unconscious. According to him, his wife Devinder Kaur, son-in-law Rajan @ Laddi and two other persons had conspired with each other to kill him.

It is also the case of the prosecution that after recording the statement of injured Amin Chand, the investigation was again started. Both Devinder Kaur and Rajan @ Laddi were arrested and after completion of the investigation challan was presented against them.

In support of its case, the prosecution had examined PW1 Head Constable Bhupinder Singh, PW2 Amin Chand, PW3 Assistant Sub-Inspector Balwinder Singh, PW4 Head Constable Ram Saran, PW5 Ranjit Singh, PW6 Dr. Ragini and, thereafter, the evidence of the prosecution was closed by order.

The trial Court, after going through the evidence, accepted the prosecution case to the extent of the appellant causing injuries to Amin Chand and, accordingly, while acquitting Devinder Kaur accused of the charges against her, convicted and sentenced the appellant, as mentioned above.

After hearing learned counsel for the parties and on going through the record with their able assistance, this Court finds that the prosecution case qua infliction of injuries by the appellant stood proved by PW2 Amin Chand injured, who was none else but his father-in-law. His testimony is duly corroborated by PW6 Dr. Ragini, who deposed that she had medico-legally examined Amin Chand on 30.10.2007 at about 10.20 a.m. and found following injuries on his person:-

- “1. A 10 cm. wide laceration approximately 6 to 7 cm. deep, present in the middle half of the neck. Bilateral carotids intact. Cut was present in the pharynx in right side. Purulent thick (brownish) discharge present at the right side of the neck.
2. Bilateral periorbital ecchymosis was present.
3. Generalized swelling at the forehead.
4. Chest had bilateral crepitus present with harsh breath sounds.
5. CT head was normal. X-ray C. spine was normal. X-ray chest was normal and as such, there was no active neuro surgical intervention”

Further, during the investigation of the case, the police had collected sufficient material, which led to the Investigating Officer presenting final report under Section 173 Cr.P.C. against

the appellant and his co-accused. Under these circumstances, no case is made out for any interference in the conviction of the appellant for the offence under Section 307 IPC.

As regards the question of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last more than nine years. In his statement recorded under Section 235 Cr.P.C., he had pleaded that he was not a previous convict and sole bread winner of his family consisting of aged parents.

Learned State counsel has produced the custody certificate, as per which, the appellant has undergone an actual sentence of three years, eight months and eighteen days besides earning remission of three years and seven months. In all, he has completed a period of seven years, three months and eighteen days out of the sentence of eight years imposed upon him.

Taking into consideration the totality of the circumstances, this Court is of the view that the appellant need not to be retained behind the bars any further for undergoing his remaining sentence of imprisonment. Ends of justice shall be suitably met, if the same is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 307 IPC is upheld. His substantive sentence of

imprisonment is reduced to the one already undergone by him.
The fine imposed upon him by the trial Court alongwith its default clause is maintained.

The appeal is, accordingly, disposed of.

December 22, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No