

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1313 of 2015

Date of Decision: 27.07.2016

Ram Lal Sapra

...Petitioner(s)

Versus

Palwinder Singh & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunil Nehra, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Petitioner-complainant has filed the present revision petition impugning the judgment dated 20.1.2015 passed by learned Additional Sessions Judge, Jalandhar, seeking enhancement of the sentence awarded to the respondents-accused.

Vide judgment dated 20.1.2015, learned Additional Sessions Judge, Jalandhar has partly allowed the appeal filed against the judgment of acquittal dated 16.1.2013 passed by Judicial Magistrate Ist Class, Jalandhar and have sentenced the respondents-accused to pay fine of Rs.500/- each for commission of offence under Section 447 IPC.

Learned trial Court vide judgment dated 16.1.2013 had acquitted the respondents no.1 and 2 of the charges framed against them.

The said judgment of acquittal was made subject matter of challenge by the

State, on which, learned Additional Sessions Judge, Jalandhar, though maintained the acquittal under Sections 420, 467, 468, 471 IPC, however, sentenced the respondents no.1 and 2 to pay a fine of Rs.500/- each for commission of offence under Section 447 IPC.

Learned counsel for the petitioner contends that the sentence awarded by the lower Appellate Court is on lower side, more particularly when the petitioner being the complainant has faced the agony of trial for such a long time. Though the respondents-accused have been convicted for commission of offence under Section 447 IPC, but they have been awarded a very meagre sentence of fine of Rs.500/- each only, whereas Section 447 IPC provides for imprisonment of either description for a term which may extend to three months, with fine or which may extend to five hundred rupees, or with both. Therefore, the punishment of fine of Rs.500/- each upon respondents no.1 and 2 is liable to be enhanced.

I have heard learned counsel for petitioner.

Section 447 IPC reads as under:-

“447. Punishment for criminal trespass.—Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, with fine or which may extend to five hundred rupees, or with both.”

It is not the case of the petitioner that the respondents-accused have been sentenced for a period less than the minimum sentence prescribed. Provisions of Section 447 IPC clearly provide that imprisonment of either description for a term which may extend to three months, with fine or which may extend to five hundred rupees, or with

both. Thus, learned Additional Sessions Judge, Jalandhar vide judgment dated 20.1.2015 has rightly awarded the sentence as per the provisions of law.

Therefore, no ground for interference is made out.

The revision petition is dismissed.

July 27, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No