

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 234

Criminal Revision No.2590 of 2015 (O & M)

Date of Decision: April 11, 2016

Anoop Singh & others

..... PETITIONERS

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

. . .

PRESENT: - Mr. Neeraj Madan, Advocate, for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

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Jaspal Singh, J

1. The instant revision has been preferred by Anoop Singh, Prem Singh and Simerjit Singh challenging judgments/Order(s) dated September 17, 2014 passed by the Sub Divisional Judicial Magistrate, Guruhar Sahai, in case bearing FIR No.61 dated April 12, 2009 under Sections 326, 323/34 IPC, Police Station, Guruhar Sahai as well as judgment dated June 4, 2015 passed by learned Sessions Judge, Ferozepur. Vide judgment/order dated September 17, 2014, they were convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Gurcharan Singh	326 IPC 323 IPC	2 year 1 year	2,000/-	One Month
Prem Singh	326/34 IPC 323 IPC	2 year 1 year	2,000/-	One Month
Simarjit Singh	326/34 IPC 323 IPC	2 year 1 year	2,000/-	One Month
Anoop	326/34 IPC 323 IPC	2 year 1 year	2,000/-	One Month

Dis-satisfied with the aforesaid judgment/order, the accused – petitioners preferred an appeal which was also dismissed vide judgment dated June 4, 2015 passed by the lower appellate court, however, their conviction and sentence under Section 326 read with Section 34 IPC has been altered to Section 326 IPC read with Section 149 IPC.

2. While issuing notice of motion on September 9, 2015, this Court passed the following order:-

“Learned counsel for the petitioners states that he is not pressing the revision petition on merit, however, he confines his prayer with regard to quantum of sentence only.

Notice of motion to the Advocate General, Punjab, qua quantum of sentence, for 14.09.2015.

Record be requisitioned.”

3. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/ evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioners under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioners is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioners are facing the agony of protracted trial for the last more than 7 years after registration of the instant case, a source for livelihood for their old aged parents.

Accused – petitioners are first offender. There is no other case of similar nature, either pending or disposed of, against the petitioners. Moreover, petitioners have already suffered incarceration for a period of approximately 9 months by now, as is evident from custody certificate dated March 01, 2016. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve themselves; to become good citizens; and to lead a peaceful & harmonious life.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioners is upheld but the sentence imposed upon them by the courts below is reduced to the period already undergone by them, with no change in fine clause.

6. With the above modification in sentence, revision petition stands dismissed.

April 11, 2016
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(Jaspal Singh)
Judge