

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 235

ANKUR GOYAL
CHANDIGARH
I attest to the accuracy and
authenticity of this document

Criminal Revision No.1519 of 2016 (O&M)

Date of Decision: August 29, 2016

Kirandeep Singh @ Rimpi

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Gaurav Singla, Advocate, for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Kirandeep Singh @ Rimpi challenging judgment/Order dated July 09, 2013 passed by the Judicial Magistrate 1st Class, Malerkotla, in case bearing FIR No.47 dated April 12, 2012, under Sections 323 & 326 of IPC, registered at Police Station Sadar Ahmadgarh, District Sangrur as well as judgment dated February 02, 2015 passed by learned Additional Sessions Judge, Sangrur. Vide judgment/order dated July 09, 2013, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Kirandeep Singh @ Rimpi	323 IPC 326 IPC	6 months 3 years	1000/- 5000/-	15 days 02 months
Compensation			30,000/-	06 months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated February 02, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) 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 petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. 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 petitioner is facing the agony of protracted trial for a period of more than 04 years & 04 months after registration of the instant case; is a poor person having two children; his wife has expired and is a sole bread winner of the family. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a period of 02 years, 01 month & 24 days, as is evident from custody certificate dated 22.08.2016. Thus, this Court is of the

considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

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

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

CRM No. 12907 of 2016

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

August 29, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No