

Criminal Revision No. 1522 OF 2016 (O&M)

[1]

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

Sr. No.234

Criminal Revision No. 1522 of 2016 (O&M)

Date of decision : May 25, 2016

MANJIT KAUR

..PETITIONER

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. Amandeep Singh Manaise, Advocate, for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

JASPAL SINGH, J

By virtue of this revision petition preferred by Manjit Kaur-
petitioner has challenged her conviction and sentence awarded to her vide
judgment dated July 29, 2015, passed by learned Additional Sessions Judge
(Fast Track Court), Gurdaspur, vide which impugned judgment and order of
conviction dated January 02, 2015 passed by learned Sub Divisional
Judicial Magistrate, Batala convicting her for offence under Section 326,
324, 323, 34 IPC and sentencing her to RI for two years along with fine has
been upheld.

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2. As per the allegations unfolded to the prosecution, the petitioner was armed with a Datar, who gave a blow from its reverse side on the left shoulder of injured Hira Singh and thereafter, she inflicted Datar below on the back side of head, on right arm and left hip of Gurbachan Kaur. All these injuries have been opined as simple in nature and fall within the ambit of Section 324, 323, 34 IPC and an injury which falls under Section 326 has been attributed to non-applicant-Jaswinder Singh @ Kaka who is serving out the sentence. Has not preferred an appeal to challenge his conviction and sentence.

3. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner Mr. Amandeep Singh Manaise that he does not challenge the conviction of the petitioner on merits. He only submits that a lenient view be taken in the matter of sentence. To satisfy its conscience, this Court has scrutinized the impugned judgments passed by both the Courts below but does not find any scope for interference as far as, the conviction of the petitioner under Sections 326, 324, 323 with the aid of 34 IPC is concerned.

4. But at the same time, this Court is of the considered view that the case is made out for taking a lenient view in the matter of sentence. The petitioner is a household lady and is a mother of three minor children & her husband is already in custody and serving out his sentence imposed upon him. There is no person to look after her minor children. Moreover, the petitioner is suffering incarceration since the date of dismissal of her appeal by the lower appellate court.

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5. The actual period already undergone by her, as per the custody certificate comes out to nine months and 25 days out of the total substantive sentence of RI for two years. She is a first offender. There is no other case either disposed of or pending against the petitioner as is evident from the custody certificate. These facts have not been disputed by the learned State counsel, during the course of arguments.

6. In the light of what has been discussed above, the revision petition preferred by the petitioner is dismissed but with the modification that the sentence imposed upon her by learned trial court and upheld by lower appellate court stands reduced to the period already undergone with no change in the fine clause. The fine is stated to be deposited by the petitioner in the trial court at the time of her conviction and sentence.

7. With the aforesaid modification, the petition stands dismissed.

8. Copy of this order be sent to concerned Chief Judicial Magistrate/Duty Magistrate.

May 25, 2016

Ankur

(JASPAL SINGH)
JUDGE