

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 247

Criminal Revision No.1971 of 2016 (O&M)

Date of Decision: August 04, 2016

Satpal Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. D.S. Malwai, Advocate, for the petitioner.

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

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Satpal Singh challenging judgment/Order dated February 08, 2016 passed by the Judicial Magistrate 1st Class, Nabha, in case bearing FIR No.143 dated December 12, 2012 under Sections 279, 337, 338 & 427 IPC, Police Station Kotwali, Nabha as well as judgment dated May 12, 2016 passed by learned Additional Sessions Judge, Patiala. Vide judgment/order dated February 08, 2016, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Satpal Singh	279 IPC	03 months	500/-	15 days
	337 IPC	03 months	500/-	15 days
	338 IPC	01 year	1000/-	02 months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated May 12, 2016 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 approximately 3 years and 8 months after registration of the instant case; is a poor person having three kids; is a sole bread winner of the family; and only source for livelihood for their old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who had already suffered incarceration for a period of approximately three months by now, as is evident from custody certificate dated 12.07.2016. 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. Petitioner is hereby directed to be released forthwith.

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

CRM No. 17409 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 04, 2016
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(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No