

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3301 of 2015 (O&M)
DECIDED ON: May 26, 2016

SATNAM SINGH @ SATTA @ BHUPINDER SINGH AND
ANOTHER

.....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. B.S. Bhalla, Advocate,
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASPAL SINGH, J. (ORAL)

CRM-16230-2016

This is an application moved by applicant-appellant under Section 31 read with Section 482 Cr.P.C. with a prayer for directing the sentences awarded to applicant-petitioner No.2 to run concurrently.

Undisputably, petitioner No.2-Surjit Singh @ Seeta has been convicted by the ld. Magistrate vide judgment/order dated December 13, 2011 and sentenced as under:-

Offence	Sentence
326/34 IPC	RI for a period of three years and ₹2,000/- as fine. In default, rigorous imprisonment for a period of one month.

324/34 IPC	RI for a period of one year and ₹2,000/- as fine. In default, rigorous imprisonment for a period of one month.
323 IPC	RI for a period of one year and ₹1,000/- as fine. In default, rigorous imprisonment for a period of one month.

However, in an appeal preferred by him (petitioner No.2) before Id. Additional Sessions Judge, Tarn Taran, he has been acquitted of the commission of offence under Section 326 IPC, though stands convicted after dismissal of appeal, under Sections 324/34 IPC for a period of one year and fine to the tune of ₹2000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month. Similarly, he has been convicted under Section 323 IPC and sentenced to undergo rigorous imprisonment for a period of 1 year and fine to the tune of ₹1000/-and in default of payment of fine to further undergo rigorous imprisonment for a period of one month. At the time of convicting applicant-petitioner-Surjit Singh @ Seeta, substantive sentences awarded to him, were not ordered to run concurrently either by the Id. Magistrate or by lower appellate court.

It is an undisputed fact that since petitioner No.2 has been convicted for the commission of offence under Sections 323 and 324/34 IPC in the same FIR, the substantive sentences awarded to him under Sections 323 and 324/34 IPC are ordered to run concurrently, in view of the provisions contained in Section 31 of the Cr.P.C.

Application stands disposed of accordingly.

Main case

Instant revision has been preferred by petitioners challenging judgment dated 28.05.2015 passed by learned Additional Sessions Judge,

Tarn Taran whereby judgment of conviction and order of sentence dated December 13, 2011 passed by Judicial Magistrate Ist Class, Patti, in case bearing FIR No. 134, dated 30.05.2005, under Sections 326, 324, 323 and 34 IPC, Police Station Patti, Tarn Taran has been partly allowed.

2. Here it would be pertinent to mention that at the time of issuance of notice of motion, petitioners did not challenge their conviction on merits and only confined their relief qua quantum of sentence.

3. After bestowing due consideration and keeping in view the entire facts and circumstances, this Court is also of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioners under Sections 323/324/34 IPC 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 15 years after registration of the instant case, they belong to poor families, which are dependent upon them. They have further undertaken not to commit any such mistake in future. There is no other case of similar nature, either pending or disposed of, against them. Moreover, by now petitioners have already suffered incarceration for a period of 11 months and 27 days out of total substantive sentence of 1 year. Therefore, some concession in substantive sentence can be extended to them. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve themselves; to become a good citizen; and to lead a peaceful &

harmonious life.

5. Taking into consideration the above narrated discussion as well as the fact that petitioners have not challenged their conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them but with no change in the fine clause.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

7. Copy of this order be sent to concerned Jurisdictional Magistrate for compliance.

May 26, 2016
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(JASPAL SINGH)
JUDGE