

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 231

Criminal Revision No.2331 of 2016 (O & M)

Date of Decision: September 15, 2016

Ranjit Singh @ Motta

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Amandeep S. Manaise, Advocate
for the petitioner.

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

. . .

Jaspal Singh, J.

CRM No.19637 of 2016

This is an application under Section 5 of Limitation Act
for condoning the delay of 239 days in filing the revision.

Heard.

Delay of 239 days in filing the revision is condoned.

Application stands disposed of accordingly.

CRR No.2331 of 2016

1. The instant revision petition has been preferred by the
petitioner against judgment dated July 29, 2015, passed by the Id.
Additional Sessions Judge (FTC), Gurdaspur, whereby judgment of
conviction and order of sentence dated January 02, 2015 passed by the

08.08.2007, under Sections 326, 324, 323 and 34 of Indian Penal Code (for short, 'IPC'), has been upheld. The petitioner was convicted and sentenced to undergo rigorous imprisonment for the period of two years for committing the offence under Section 326 IPC and fine of ₹ 2,000/-, rigorous imprisonment for the period of one year for committing the offence under Section 324 IPC and fine of ₹ 1,000/-, rigorous imprisonment for the period of three months for committing the offence under Section 323 IPC and fine of ₹ 240/-. In default of payment of fine, the accused shall undergo rigorous imprisonment for the period of one month, fifteen days and five days, under Sections 326, 324, 324 read with Section 34 IPC, respectively.

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 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 petitioner under the aforesaid provision of the Act 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 the last more than 09 years after registration of the instant case and is first offender; he is only bread winner in the family;

there is no other case of similar nature, either pending or disposed of, against the petitioner who had also suffered incarceration more than one year, eight months and two days, as is evident from the custody certificate dated 01.09.2016.

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 them 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.

September 15, 2016
m. sharma

(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No