

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.3572 of 2015 (O & M)

Date of Decision: July 13, 2016

Jaswant Singh

..... PETITIONER

VERSUS

State of Punjab and another

..... RESPONDENTS

...

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?

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PRESENT: - Mr. H.S. Gharuan, Advocate, for the petitioner.

Mr. Arjinder Singh Sidhu, Assistant Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Jaswant Singh challenging judgments/Order(s) dated April 19, 2012 passed by the Judicial Magistrate 1st Class, Ludhiana, in case bearing FIR No.91 dated September 14, 2010 under Sections 279, 337, 338 & 427 IPC, Police Station, Jamalpur, District Ludhiana as well as judgment dated August 27, 2015 passed by learned Additional Sessions Judge, Ludhiana. Vide judgment/order dated April 19, 2012, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Jaswant Singh	279 IPC 338 IPC 337 IPC	---- 1 year 06 months	1,000/- ----- -----	One Month ----- -----

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated August 27, 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 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 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 the last more than 5½ years after registration of the instant case; is a sole bread winner of the family; and only source for livelihood for their old aged parents. Accused – petitioner is first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner has already suffered incarceration for a period of approximately 4½ Months, as is evident from order dated January 11, 2016 vide which his setence was suspended. 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.

July 13, 2016
avin/ankur

(Jaspal Singh)
Judge