

Criminal Revision No.3656 of 2015 (O&M)

Date of Decision: August 29, 2016

Swinder Singh and another

..... PETITIONERS

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Vipin Mahajan, Advocate, for the petitioners.

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

. . .

Jaspal Singh, J.

CRM Nos.1810 & 1811 of 2016

Heard.

Applications are allowed as prayed for.

Documents (Annexure P-3 to P-6) are taken on record subject to all just exceptions and be tagged it its appropriate place.

CRR No.3656 of 2015 (O&M)

1. The instant revision has been preferred by the petitioners challenging judgment/Order dated February 01, 2014 passed by the Judicial Magistrate 1st Class, Batala, in case bearing FIR No.153 dated November 14,

2002, under Sections 406 & 420 of IPC, registered at Police Station Civil Lines, Batala as well as judgment dated August 25, 2015 passed by learned Additional Sessions Judge, Gurdaspur. Vide judgment/order dated February 01, 2014, they were convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Swinder Singh	407 IPC	02 years	6000/-	02 months
Narinder Singh	407 IPC	02 years	6000/-	02 months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioners preferred an appeal which was also dismissed vide judgment dated August 25, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioners filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioners submits that he does not press the petition qua conviction, however, the petitioners 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 petitioners under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioners 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 petitioners are facing the agony of protracted trial for a period of more than 13 years & 09 months after registration of the instant case and are sole bread winners of their families. Accused – petitioners are also first offenders. There is no other case of similar nature, either pending or disposed

of, against the petitioners. Moreover, petitioners had already suffered incarceration for a period of more than 01 year respectively, as is evident from custody certificates dated March 29, 2016. Thus, this Court is of the considered view that a chance be given to the petitioners to reform & improve themselves; to become good citizens; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioners is upheld but the sentence imposed upon them by the courts below is reduced to the period already undergone by them, with no change in fine clause. Petitioners be released forthwith.

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

CRM No. 32065 of 2015

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 petitioners.

August 29, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No