

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3694 of 2015 (O&M)
DECIDED ON: APRIL 29, 2016

JASPAL SINGH

.....PETITIONER

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?***

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Jaspal Singh	279 IPC	Six months	--	--
	304-A IPC	2 years	--	--
	337	Six Months	--	--

Accused-petitioner was also directed to pay compensation to the tune of ₹1,00,000/- in terms of Section 357(3) Cr.P.C and in default of payment of compensation, he shall further undergo RI for a period of three months.

2. On October 01, 2015, the following order was passed by this Court:-

“At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

Notice of motion for 05.11.2015 with regard to quantum of sentence only”.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/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 is concerned. As such, the conviction of the petitioner 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 petitioner is facing the agony of protracted trial since 2009, he is first offender

and is the only earning hand in his family. 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 09 months and 12 days as on April 29, 2016, out of total substantive sentence for a period of two years, therefore, some concession in substantive sentence can be extended to him. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; 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 petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause.

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

CRM No. 32303 of 2015

In view of order passed in main revision petition, instant application has been rendered infructuous and is dismissed as such.

APRIL 29, 2016
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(JASPAL SINGH)
JUDGE