

CRR-2589-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2589-2016

Date of Decision: October 24, 2016

Hardip Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Ms. Luvinder Sofat, AAG, Punjab.

JITENDRA CHAUHAN, J. (Oral):

This revision petition is directed against the judgment and order dated 03.09.2013 passed by Judicial Magistrate First Class, Ludhiana; and the judgment dated 17.12.2015 passed by Addl. Sessions Judge, Ludhiana.

The brief facts of the case as noticed in the judgment passed by Addl. Sessions Judge, Ludhiana, are as under:

“2. Truncated facts, necessary are that on 1.4.2006 ASI Karnail Singh I/C In-charge PP Malot was present in the chowki and complainant Rajwinder Singh came and got recorded his statement that in their neighbourhood Bhappo wife of Bhag Singh is residing and on 31.3.2006 he was doing the labor work of Panchayat and he received message that Bhappo was abusing his wife and at 5 PM he went home and saw that Bhappo armed with dang, Hardeep, Manjit Kaur and Bhag Singh who were

also having dangs entered his house. He has further alleged that Hardeep Singh gave dang blow on his head, Bhappo gave dang blows on the person of his wife Paramjit Kaur and his daughter in law also suffered injuries and in the meanwhile his nephew Randhir came and Bhag Siing also gave dang blow on the person of Randhir Singh. It has further been alleged that Manjit Kaur threw bricks in the house of complainant and all the persons gave beatings to them and they ran away from the house crying for help and all the persons damaged his house and further Bhappo even took away the some utensils. It has further been alleged that they went to civil hospital Malaud and all the accused came there also and again abused them. It has further been alleged that Hardeep Singh on the basis of self suffered injuries got himself medically examined. Thereafter, they went the Panch Nahar Singh. Statement was recorded and complainant appended his thumb impression, IO attested the same and on the basis on this ruqa FIR was lodged.”

Copies of challan and other documents were supplied to the accused free of cost.

Charges under Sections 323, 427, 452 and 379 IPC were framed against the accused to which he did not plead guilty and claimed trial.

After appraisal of the evidence, the learned trial Court convicted the petitioner under Sections 452, 323 and 427 IPC. However, the petitioner was acquitted of the offence under Section 379 IPC. The accused was sentenced as under:-

<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
452 IPC	2 years RI	₹ 500/-	15 days simple imprisonment
323 IPC	6 months RI	₹ 300/-	15 days simple imprisonment
427 IPC	6 months RI	₹ 200/-	15 days simple imprisonment

Feeling dissatisfied with the judgment and order dated 03.09.2013 passed by Judicial Magistrate First Class, Ludhiana, the petitioner preferred an appeal before Addl. Sessions Judge, Ludhiana. The Court of Addl. Sessions Judge, Ludhiana, vide judgment dated 17.12.2015, acquitted the petitioner under Section 452 IPC. However, the conviction and sentence under Sections 323 and 427 IPC was maintained.

Still aggrieved, the present revision petition has been filed assailing the aforesaid judgments and orders dated 03.09.2013 and 17.12.2015.

On 25.07.2016, this Court passed the following order in this case in CRM-22278-2016:-

“The learned counsel submits that the petitioner does not challenge the judgment of conviction and order of sentence on its merit; the petitioner is only bread winner of his family, therefore, he prayed that a lenient view may be taken in the matter of suspension of sentence.

Notice in the application for 22.08.2016.”

In view of above, the learned counsel contends that the petitioner is facing the agony of protracted criminal proceedings since 2006.

Out of the sentence awarded to him, he has already undergone sentence of 2 months and 13 days. Petitioner is the only bread earner of his family.

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Heard.

The petitioner stands convicted under Section 323 and 427 of IPC. He had caused simple injuries to the complainant. Out of the sentence awarded to him, he has already undergone actual sentence for 2 months and 13 days. The incident took place in the year 2006. This Court is of the opinion that it will be in the interest of justice if the sentence of the petitioner is reduced from 6 months to the period already undergone by him subject to payment of ₹ 10,000/- as compensation to be paid to the complainant within 2 months. It is ordered accordingly. Consequently, the present revision is partly allowed in the manner indicated above.

It is made clear that in case the compensation is not deposited by the petitioner within the stipulated period, as indicated above, the instant petition shall be deemed to be dismissed without further notice.

October 24, 2016

Nisha-I

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No