

Criminal Revision No.2752 of 2016 (O&M)

Date of Decision: November 15, 2016

Ajit Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Kamaldeep Singh Sodhi, Advocate, for the petitioner.

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

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Ajay Singh challenging judgment(s)/Order(s) dated December 15, 2015 passed by the Judicial Magistrate 1st Class, Baba Bakala Sahib, in case bearing FIR No.23 dated March 21, 2013, under Sections 326, 323, 324 & 34 IPC, Police Station Khilchian as well as judgment dated July 13, 2016 passed by learned Additional Sessions Judge, Amritsar. Vide judgment/order dated December 15, 2015, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Ajay Singh	326/34 IPC 323/34 IPC	One year Two months	500/- 200/-	Ten days One week

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated July 13, 2016 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 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 approximately 3 years & 8 months after registration of the instant case; is 55 years old and having responsibilities of his family. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a period of 06 months & 26 days, as is evident from custody certificate dated November 15, 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 him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner shall be released forthwith.

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

CRM No. 23885 of 2016

Since, the main petition has been decided, instant application is disposed of as having been rendered infructuous.

November 15, 2016
Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No