

Nirmal Singh @ Nimma	148 IPC	R.I. for one year and fine of Rs.1000/-.
	325/149 IPC	R.I. for two years and fine of Rs.1000/-.
	323/149 IPC	R.I. for six months and fine of Rs.500/-.
	341/149 IPC	R.I. for one month and fine of Rs.500/-.
Paramjit Singh @ Pamma @ Pawan Kumar	148 IPC	R.I. for one year and fine of Rs.1000/-.
	325 IPC	R.I. for two years and fine of Rs.1000/-.
	323 IPC	R.I. for six months and fine of Rs.500/-.
	341 IPC	R.I. for one month and fine of Rs.500/-.

The petitioners preferred appeal against the judgment of their conviction/sentence, which was dismissed by Additional Sessions Judge, Bathinda, vide judgment dated 03.11.2015, but sentence was reduced from two years to one year under sections 325/148/149 IPC of Daljit Singh, Navdeep Singh, Joginder Singh and Nirmal Singh and also from two years to one year of accused Paramjit Singh under section 325 IPC.

Feeling aggrieved against the judgments of both the courts below, the petitioners have approached this court through the instant Criminal Revision.

Learned counsel for the petitioners at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the

sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 26.06.2009, on receipt of a telephonic call from Medical Officer, Rampura regarding admission of Gurmeet Singh in injured condition, SI Balwinder Singh alongwith HC Gurtej Singh went there to record statement of the injured. The doctor declared the injured unfit to make statement. On 27.6.2009, he again visited the said hospital and recorded statement of injured Gurmeet Singh to the effect that on 26.9.2009, he alongwith his brothers Jasvir Singh and Janak Singh was making preparation for sowing rice crop by watering the field with the help of tractor. At about 2.15 P.M. Paramjit Singh @ Pamma, Nirmal Singh @ Nimma, Ginder Singh, Daljit Singh and Laddi all armed with deadly weapons came there and objected. They inflicted several blows to injured Gurmeet Singh with their respective weapons. When he raised alarm, his brothers Jasvir Singh and Janak Singh, who were working nearby the fields, came and rescued him. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 341, 325, 323, 506, 148 read with section 149 IPC, charge was framed against the accused/petitioners, to which they pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as nine witnesses.

The statements of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to them. They refuted the incriminating circumstances and pleaded false implication. In defence, accused examined two witnesses.

On the basis of the evidence on record, the learned trial court held the petitioners guilty of the charge under sections 325, 323, 341, 148 and 149 IPC and sentenced them as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Bathinda on 3.11.2015, but sentence was reduced from two years to one year under sections 325/148/149 IPC of Daljit Singh, Navdeep Singh, Joginder Singh and Nirmal Singh and also from two years to one year of accused Paramjit Singh under section 325 IPC.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioners guilty of the charge framed against them. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioners is, thus, affirmed.

Even counsel for the petitioners, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioners are poor persons and main bread winner of their families. He has stated that he is conscious that the scope in

revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Sukhwinder Singh, Superintendent, Central Jail, Bathinda showing custody of the petitioners.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioners shall be reduced to five months but they are burdened with a fine of Rs.50,000/- (Rs.10,000/- each to be paid as compensation to the complainant/injured Gurmeet Singh). The fine be deposited within three months from the date of receipt of certified copy of this order. However, in case fine aforesaid is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioners shall undergo the remaining period of sentence as awarded by the trial court.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(RAJAN GUPTA)
JUDGE

February 11, 2016
'Rajpal'