

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.:239

Criminal Revision No.4574 of 2015 (O & M)

Date of Decision: September 02, 2016

Lehamber Singh and another

..... PETITIONERS

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Rajiv Joshi, Advocate, for petitioner No.2.

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

. . .

Jaspal Singh, J

1. The instant revision petition has been preferred by the petitioners against judgment dated November 18, 2015 passed by the Sessions Judge, Jalandhar, whereby judgment of conviction and order of sentence dated November 15, 2013 passed by the trial court, in FIR No.40 dated 07.03.2006, under Sections 324, 326, 34 of Indian Penal Code (for short, 'IPC'), has been upheld. The petitioners were convicted and sentenced to undergo rigorous imprisonment for the period of one and a half years for committing the offence under Section 326 IPC and fine of ₹ 200/-. In default of payment of fine, the accused shall undergo rigorous imprisonment for the period of seven days, under Section 326 IPC.

2. At the very outset of arguments, learned counsel for the petitioners submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence of petitioner No.2 as petitioner No.1 has already left for heavenly abode. Accordingly, proceedings qua him stood abated. 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 petitioner No.2 under the aforesaid provision of the Act is concerned. As such, the conviction of petitioner No.2 is upheld.

3. As far as quantum of sentence awarded to petitioner No.2 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 No.2 is facing the agony of protracted trial for the last more than 10 years after registration of the instant case and is first offender; he is only bread winner in the family. There is no other case of similar nature, either pending or disposed of, against him who had also suffered incarceration for more than one month and thirteen days, as is evident from custody certificate dated December 16, 2015. Thus, this Court is of the considered view that it is a fit case to take a lenient view which would further the cause of justice. It would also provide a chance to reform himself as well as to be a good citizen.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of petitioner No.2 is upheld but the sentence

imposed upon them by the courts below is reduced to the period already undergone by him, with no change in fine clause.

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

September 02, 2016
m. sharma

(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No