

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.433 of 2016 (O&M)
Date of Decision: March 30, 2016**

Satnam Singh and others **Petitioners**

vs.

State of Punjab and another **Respondents**

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Custody certificates of the petitioners have been filed in the Court today and the same are taken on record.

This revision is against the judgment dated 08.12.2015 passed by learned Addl. Sessions Judge, Amritsar, vide which while hearing the cross appeals against the judgment of conviction and order of sentence dated 27.08.2015 passed by learned Judicial Magistrate 1st Class, Baba Bakala Sahib, District Amritsar, learned Addl. Sessions Judge, Amritsar released four of the accused, namely Sukha Singh, Hari Singh, Kashmir Kaur and Aatma Singh on probation on the ground of their old age, physically handicapped and being lady and accepted the appeal of the complainant and enhanced the sentence awarded to the present petitioners, namely, Satnam Singh, Mangal Singh and Jagjit Singh from rigorous imprisonment of 6 months to 1 year each for the commission of offences punishable under Sections 324 and 148 IPC and from rigorous imprisonment of 3 months to 1 year each for the commission of offence punishable under Section 323 IPC.

I have heard learned counsel for the petitioners and have also carefully gone through the case file.

At the motion stage, learned counsel for the petitioners presses the revision only on the point of quantum of sentence.

Learned counsel for the petitioners has argued that in this case as per custody certificate, petitioners Satnam Singh and Jagjit Singh have undergone actual sentence of 3 months 21 days each, whereas petitioner Mangal Singh has undergone actual sentence of 5 months 27 days. Therefore, the sentence awarded by the learned Magistrate should be restored.

A perusal of judgments of both the courts below shows that Kulwant Singh, complainant was given sound beatings. He was given as many as 16 injuries. Out of which three injuries were declared as grievous in nature. The petitioners were also challaned for the commission of offences punishable under Sections 325 and 326 IPC. However, unfortunately, before the lower court, the radiologist was not examined and consequently, the lower court took the view that the grievous injuries are not proved.

Keeping in view the large number of injuries, the sentence was enhanced by the learned Addl. Sessions Judge, Amritsar. I am of the view that for 16 injuries, the sentence of rigorous imprisonment of one year cannot be called excessive. Therefore, there is no ground to interfere in the same.

Accordingly, the present revision petition stands dismissed.

March 30, 2016
sarita

(KULDIP SINGH)
JUDGE