

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No.794 of 2016 (O&M)
Date of Decision: 25.05.2016

Sukhchain Singh & others
...Petitioner(s)

Versus

State of Punjab
...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. *Whether reporters of local newspapers may be allowed to see judgment?*
- 2. *To be referred to reporters or not?*
- 3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Ranbir Singh Sekhon, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.

Petitioners have filed the present revision petition against the judgment dated 16.2.2016 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the appeal preferred by them against the judgment of conviction and order of sentence dated 27.10.2014 passed by Judicial Magistrate Ist Class, Sri Muktsar Sahib has been partly allowed and the sentence awarded to the accused-appellants was modified as under:-

Sections	Sentence	Fine	In default
324 R/W 149 IPC	RI for six months	₹5,000/-	RI for 15 days.

323 R/W 149 IPC	RI for six months	₹500/-	RI for 15 days.
323 R/W 149 IPC	RI for six months	₹500/-	RI for 15 days.
148 IPC	RI for six months	₹5,000/-	RI for 15 days.

It was also ordered that a sum of ₹25,000/- out of the fine amount, if recovered, be given to the victim Gurtej Singh and ₹10,000/- each be given to Major Singh and Pargat Singh, another injured witnesses, as compensation, in view of the provisions of Section 357 CrPC.

As per the case of the prosecution, on 24.6.2010, injured-complainant Gurtej Singh recorded his statement with the police that on 23.6.2010 at about 3-30 pm, he along with his son Pargat Singh and nephew Major Singh were doing their routine work in the fields. Then, Sarban Singh son of Kulsher Singh was lowering down the common passage and thereby, made the water to flow to his fields. The accused Sukhmander Singh armed with *Takua*, Surinder armed with *Gandasa*, Gurbhej armed with *kasia*, Sukhchain Singh armed with *kasia* were also present there. When the complainant tried to stop Sarban Singh from doing so, all the accused caused injuries to him as well as his son and nephew. The injured were removed to Civil Hospital, Doda, where their statements were recorded.

After completion of investigation, challan against the accused was presented in Court. They were supplied with copies of challan free of cost, as required under Section 207 CrPC. Finding a *prima facie* case under Sections 148, 325, 324, 323 read with Section 149 IPC against the accused,

they were charged accordingly, to which they pleaded not guilty and claimed trial.

The prosecution examined as many as five prosecution witnesses. However, the remaining evidence of the prosecution was closed by order.

The accused, when examined under Section 313 CrPC, pleaded innocence as well as false implication. They examined DW1 Surjit Singh and DW Dr. Rajinder Kumar, Medical Officer, Civil Hospital, in their defence evidence.

The trial Court vide judgment dated 27.10.2014 convicted the petitioners and sentenced them as under:-

Sections	Sentence	Fine	In default
325 read with Section 149 IPC	Six Months RI	₹500/-	15 days SI
324 read with Section 149 IPC	Six Months RI	--	--
323 read with Section 149 IPC	Six Months RI	--	--
148 read with Section 149 IPC	Six Months RI	--	--

All the sentences were ordered to run concurrently.

Against the aforesaid judgment of conviction and order of sentence, the petitioners filed appeal before learned Additional Sessions Judge, Sri Muktsar Sahib, which were partly allowed by a common judgment and the sentence was modified, as indicated above.

It is in the aforesaid circumstances, the petitioners have filed the present revision petition.

At the outset, learned counsel for the petitioners has fairly stated that he does not wish to challenge the impugned judgments on merits, rather prays that the sentence awarded to the petitioners be reduced to the period already undergone by them. Thus, learned counsel for the petitioners has confined his arguments with regard to quantum of sentence only.

Learned counsel for the petitioners submitted that the petitioners are first time offenders. They have never been involved in any other case except the present one. They have already suffered the agony of a protracted trial since 24.6.2010, when the alleged incident had occurred. He further submitted that the injuries attributed to the petitioners are on the non-vital parts. Therefore, the sentence awarded to the petitioners be reduced to the period already undergone by them.

I have heard learned counsel for the parties and gone through the record of the case.

This Court in the case of **Shiv Kumar v. State of Haryana** **2014(3) RCR (Criminal) 577** has observed as under:-

“5. Considering the facts that the petitioner has been quite young when the occurrence took place, there is no previous conviction to this discredit and he has already suffered imprisonment for a period of one month and 24 days, I find him to have not crossed the age where his behaviour could not be corrected. Therefore, he appears to be entitled to be released on probation of good conduct. However, compensation in a sum of Rs.20,000/- would be just and proper to be paid by the petitioner to the victim, Sarla Devi.”

In the case of **Sohan Lal v. State of Punjab 1979 CLJ (Criminal) 113** where the accused was first time offender and had undergone the sentence of 3½ months, his sentence was reduced to the period already undergone by him. Similarly, in the case of **Balwinder Singh v. State of Punjab CRR No.2574 fo 2012 decided on 31.10.2012** this Court had reduced the sentence of the accused therein under Sections 323, 325 and 326 IPC.

The custody certificates of the petitioners show that they have never been involved in any other case except the present one and as against the awarded sentence of six months, they remained in custody for about 17 days. Therefore, considering the fact that the petitioners are agriculturists and have suffered a protracted trial since the year 2010 and there is no previous conviction to their discredit, this Court feels that ends of justice would be met if the conviction of the petitioners is maintained and the sentence awarded to them is reduced to the period already undergone by them. However, injured-witnesses, deserve to be compensated suitably.

Accordingly, while upholding the judgment of conviction passed by lower Appellate Court, the present revision petition is dismissed and the sentence awarded to the petitioners is reduced to the period already undergone by them. However, the petitioners are directed to pay a sum of Rs.15,000/- each, as compensation, to the injured-witnesses over and above the fine imposed by the Court below. The compensation amount shall be deposited before the trial Court within two months from today failing which, the petitioners shall undergo the sentence as imposed by the lower Appellate Court. On redemption of amount i.e. Rs.75,000/- in total, the same shall be paid to the injured-witnesses as under:-

Major Singh, injured - Rs.15,000/-

Pargat Singh, injured - Rs.15,000/-

May 25, 2016
AK

(HARI PAL VERMA)
JUDGE