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

CRR No.898 of 2016(O&M)
Date of Decision: 09.11.2016

Sukhmander Singh and another

.....Petitioners

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present: Mr. S.K.Chawla, Advocate for the petitioners.

Mr. K.S.Pannu, DAG, Punjab.

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AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent conviction of the petitioners for the commission of offence under Sections 326/323/34 IPC in FIR No.96 dated 04.06.2011 registered at Police Station Guruhar Sahai.

The sentence awarded to the petitioners is as under:-

Name of accused	u/s	R.I.	Fine	In default R.I.
Sukhmandar Singh	326 IPC 323 IPC	2 years 8 months	Rs.2000/- --	One month --
Kakka Singh	326/34 IPC 323 IPC	2 years 8 months	Rs.2000/- --	One month --

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It is also ordered that all these substantive sentences shall run concurrently.

On 03.03.2016, when notice of motion was issued learned counsel for the petitioners has restricted the plea only to quantum of sentence. As per him the injury under Section 326 IPC is on a non-vital part and consequently the sentence of 2 years imposed upon the petitioners is too much.

Custody certificates of both the petitioners by way of affidavit of Ajmer Singh, Superintendent, Central Jail, Ferozepur have been filed and the same are taken on record. Copies supplied to the counsel opposite. As per custody certificates both the petitioners have undergone 10 months and 20 days out of the total sentence of 02 years.

Learned Deputy Advocate General has submitted that if this Court is proposing to reduce the sentence he would not oppose the same provided some compensation is awarded to the complainant.

Learned counsel for the petitioners states that he has no objection.

In my considered opinion, these factors would justify a reduction in the sentence. Consequently, the revision against the conviction is dismissed but the sentence of the petitioners is reduced to one year. The fine shall remain unchanged. The petitioners are directed to deposit a sum of Rs.10,000/- each before the trial Court to be released

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to the complainant within a period of three months. If the amount is not so deposited this revision would be deemed to be dismissed.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

09.11.2016
Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No

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