

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

Criminal Revision No.908 of 2016 (O&M).
Decided on:-May 04, 2016.

Jugraj Singh and another

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

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

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

Present:- Mr. Munish Gulati, Advocate for
Mr. Kamal Narula, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.

The petitioners have filed the present revision petition against judgment dated 19.2.2016 passed by learned Additional Sessions Judge, Ferozepur whereby the appeal against judgment of conviction dated 14.8.2015 passed by learned Judicial Magistrate 1st Class, Ferozepur was dismissed with modification in the order of sentence dated 14.8.2015.

Briefly stated, the FIR No.47 dated 28.5.2011 under Sections 353, 186 and 506 read with Section 34 IPC was registered against the

petitioners on the basis of letter No.1465 dated 27.5.2011 issued by the Deputy Commissioner, Ferozepur. It was alleged in the said letter that on 25.5.2011 at about 12.30 p.m., both the accused in furtherance of their common intention voluntarily obstructed public servant BDPO and other officials from discharging their duties. Both the accused also used criminal force and assaulted above said public servants to prevent them from discharging their public duty.

Investigation was conducted and report under Section 173 Cr.PC was prepared and presented in the Court. Copies of the report was supplied to the accused free of costs as envisaged under Section 207 Cr.PC.

On finding a prima-facie case against the petitioners, charge under Sections 353, 186 and 506 IPC was framed against them to which they did not plead guilty and claimed trial.

In order to prove its case, the prosecution examined as many as six witnesses. Thereafter, statements of accused under Section 313 Cr.PC were recorded wherein they denied all the allegations levelled against them and pleaded their innocence. They also took the plea that the present case is result of political rivalry. However, no evidence in defence was led by the accused.

Learned Magistrate vide judgment dated 14.8.2015 held the petitioners-accused guilty and accordingly convicted them for commission of offence punishable under Sections 353, 186 and 506 IPC and vide

separate order of even date, sentenced them as under:

Under Section	Sentence	Fine	In default
186 IPC	Rigorous imprisonment for 2 months each.	Rs.500/- each.	Rigorous imprisonment for 10 days each.
353 IPC	Rigorous imprisonment for 1 year each.	Rs.1,000/- each.	Rigorous imprisonment for one month each.
506 IPC	Rigorous imprisonment for 1 year each.	Rs.1,000/- each.	Rigorous imprisonment for one month each.

It was, however, ordered that the period of detention already undergone by the convicts during investigation or trial, shall be set-off against the substantive sentence passed against them.

Aggrieved against the said judgment and order, the petitioners-accused filed an appeal before the Court of Session, but the same was also dismissed by learned Additional Sessions Judge, Ferozepur vide judgment dated 19.2.2016. However, the sentence awarded to both the petitioners was reduced and they were ordered to undergo imprisonment as under:

Under Section	Sentence	Fine	In default
186 IPC	Rigorous imprisonment for 1 month each.	Rs.500/- each.	Rigorous imprisonment for 15 days each.
353 IPC	Rigorous imprisonment for 3 months each.	Rs.1,000/- each.	Rigorous imprisonment for one month each.
506 IPC	Rigorous imprisonment for 3 months each.	Rs.1,000/- each.	Rigorous imprisonment for one month each.

It was, however, ordered that the above said substantive sentences shall run concurrently. The petitioners-accused were ordered to be taken into custody for undergoing the sentence.

It is in these circumstances, the petitioners have preferred the present revision petition before this Court.

During the course of arguments, learned counsel for the petitioners has not pressed the present petition on merits and restricted his arguments qua the quantum of sentence only. Learned counsel for the petitioners has prayed that the sentence awarded to both the petitioners be reduced to the period already undergone by them.

Learned counsel for the petitioners has further stated 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, has submitted that in case conviction of the petitioners is maintained, the Court may reduce their sentence as deemed appropriate in the circumstances of the case.

Learned State counsel has also produced two affidavits of Baldev Singh, Deputy Superintendent, Central Jail, Ferozepur, according to which both the petitioners have undergone actual custody of 2 months and 6 days each as on 21.04.2016. The affidavits are taken on record.

I have heard learned counsel for the parties.

On perusal of the judgments of both the Courts below, this

Court is 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, illegality or perversity in the findings given by both the Courts below which may warrant interference of this Court. Even otherwise, during the course of arguments, learned counsel for the petitioners has not assailed the judgments of conviction and restricted his arguments qua the quantum of sentence only. The conviction of the petitioners is, thus, affirmed.

As per the custody certificates, both the petitioners have already undergone actual custody of 2 months and 6 days each as on 21.4.2016. In these circumstances, it is directed that the sentence awarded to the petitioners shall be reduced to the period already undergone by them. As per order dated 19.2.2016 passed by the appellate Court, both the petitioners have deposited the fine before the trial Court. As such, the sentence of fine imposed by the appellate Court shall remain intact. Both the petitioners be released forthwith, if not required in any other case.

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

May 04, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE