

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

**CRM-M No.19383 of 2014
Date of Decision : 28.08.2017**

Karnail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Harshit Jain, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The petitioner along with co-accused-Bachittar Singh was originally convicted by the Court of Ld. Judicial Magistrate 1st Class, Dhuri on 30th January, 2008 for the offences punishable under Sections 201/511 of the Indian Penal Code (for short 'the IPC) while co-accused Bachittar Singh was convicted of the offences under Sections 279, 304-A, 337 and 338 of the IPC. The petitioner underwent the complete sentence of three months' rigorous imprisonment awarded to him apart from paying the fine imposed, as is clear from Annexure P-4, which is his custody certificate dated 7th December, 2012.

2) An appeal against the aforesaid judgment of conviction was however preferred by the co-convict-Bachittar Singh, which was

decided by the Court of Ld. Sessions Judge, Sangrur on 7th May, 2012 (Annexure-P-5), whereby the earlier judgment of conviction was set aside and the matter was remanded back to the Ld. Trial Court with a direction to amend the charges against both the convicts and to dispose off the matter *de novo*.

3) Consequently, the Ld. Trial Court amended the charges and again decided the matter by its subsequent judgment passed on 7th January, 2013 (Annexure P-6) in which both the accused persons were again convicted for the self same offences as was done in the earlier judgment, although in case of the present petitioner, the conviction was supplemented with addition of Section 34 of the IPC. They were, however, acquitted of the additional charges framed against them under Section 506 of the IPC. The sentence awarded to the present petitioner again was simple imprisonment for three months along with fine of ₹100/-.

4) The second judgment of conviction was also challenged by co-convict Bachittar Singh and his second appeal was allowed by the Ld. Sessions Judge, Sangrur on 12th April, 2014 (Annexure P-1). The second judgment of conviction was set aside with the following observations, *inter alia* :-

“However, the learned trial Magistrate instead of charging both the accused for offence punishable under Section 201 read with section 511 of the Indian

Penal Code, charged them for offence punishable under Section 201 read with section 511 read with section 34 of the Indian Penal Code. Similarly, learned trial Magistrate has charged both the accused for offence punishable under Section 506 read with section 34 of the Indian Penal Code despite the fact that as per allegations in the report submitted under Section 173(2) of the Code of Criminal Procedure, they were required to be charged for an offence punishable under Section 506 of the Indian Penal Code substantively and thus, the learned trial Magistrate failed to comply with the directions issued by my learned predecessor vide order dated 07.05.2012 in letter and spirit vide which learned trial Magistrate was directed to amend the charges against the appellant and non-appellant as per allegations against them in report under Section 173 of the Code of Criminal Procedure and then to dispose of the case as per law.”

- 5) So far as, the present petitioner is concerned, it is clear that in either case, the only offences imputed to him are under Sections 201 read with 511/34 of the IPC as well as Section 506 IPC. He has already been acquitted of the offence under Section 506 of the IPC along with co-convict/appellant, and has already undergone the sentence awarded to him for his original conviction under the remaining offences for which he was charged. Consequently, further proceedings against the present petitioner are not warranted in any circumstances, and are therefore, ordered to be quashed forthwith, in view of the submission

of his Ld. Counsel before this Court that he does not challenge his conviction for which he has already undergone the sentence.

6) The proceedings against co-convict Bachittar Singh shall however continue in accordance with law.

Disposed off.

August 28, 2017
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No