

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

322

Criminal Revision No.1901 of 2006
Date of Decision: May 17th, 2017

Raj Kumar alias Ladi and another
...Petitioners
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioners.
Mr. S.S. Chaudhary, Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This revision is directed against the judgment dated 07.09.2006 passed by the Additional Sessions Judge, Jalandhar, partly affirming the judgment of conviction and order of sentence dated 08.09.2005 passed by Sub Divisional Judicial Magistrate, Phillaur, whereby the petitioners and co-accused Bhappi (who was acquitted by Additional Sessions Judge, Jalandhar, in appeal) were convicted and sentenced as under:-

Offence	Accused	Sentence/Fine
U/S 452 IPC	Raj Kumar, Kala @ Bachna, Bhappi	R.I. for one year Fine: ₹500/- each in default R.I. for 3 months
U/S 326 IPC	Laddi	R.I. for two years, fine ₹2000/-, in default R.I. for six months
U/S 326/34 IPC	Raj Kumar Kala @ Bachna, Bhappi	One year R.I. & fine ₹500/- each in default R.I. for three months
U/S 323 IPC	Kala @ Bachna	R.I. for six months & fine of ₹500/- in default R.I. For one month.
U/S 323 IPC	Kala @ Bachna, Raj Kumar, Bhappi	R.I. for three months & fine of ₹500/- each. In default R.I. For one month.

At the very outset, learned counsel for the petitioner very fairly submits that since the FIR is of the year 1997 and the petitioners have already faced the agony of trial followed by the appeal and the present

conviction on merits and only prays for reduction of sentence of the petitioners to the period already undergone by them. He contends that Raj Kumar alias Ladi-petitioner No.1 has already undergone 6 months and 7 days out of the total sentence of 2 years as imposed by the trial Court and Bachna alias Kala-petitioner No.2 has undergone 3 months and 24 days out of the total sentence of one year.

Having considered the submissions made by the counsel for the petitioners and the grounds taken by the petitioners, the prayer as made by their counsel appears to be quite genuine as the petitioners have already faced the agony of criminal proceedings of about 20 years. More so they have undergone a substantial portion of their sentence. As per the custody certificates which have been produced in Court today, the petitioners are not involved in any other case. The facts also reveal that there was a fight between the neighbours and it is in this context that the injuries were caused to complainant-Santosh.

As a result, this Court upholds the conviction of the petitioners but reduces the sentence to the period already undergone by them. However, fine payable to injured/complainant-Santosh is enhanced to ₹20,000/- to be paid by Raj Kumar alias Ladi and ₹10,000/- by Bachna alias Kala. The said amount be deposited by the petitioners within a period of 45 days from today in the Court of Chief Judicial Magistrate, Jalandhar, who shall thereafter release the amount of fine to injured/complainant-Santosh. In case the petitioner(s) fail to deposit the fine amount within the time fixed above, the sentence as imposed by the impugned orders by the Courts below shall

come into effect

The revision petition stands disposed of accordingly.

May 17th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No