

In the High Court of Punjab and Haryana at Chandigarh

CRR No.1721 of 2011

Date of Decision:-September 22, 2017

Darshan Singh**.....Petitioner**

Versus

State of Punjab**.....Respondent**

Coram: Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Akashdeep Singh, Advocate,
for the petitioner.

Ms. Ruchika Sabharawal, Addl.A.G. Punjab.

Gurvinder Singh Gill J. (Oral)

1. Darshan Singh has filed the present revision petition challenging judgment dated 21.7.2011, passed by learned Additional Sessions Judge, Ludhiana, whereby his appeal challenging judgment dated 2.6.2010 passed by Judicial Magistrate First Class, Ludhiana was partly allowed. While his conviction for offence under Section 279 of IPC was upheld, his conviction for offence under Section 338 of IPC was converted to one under Section 337 of IPC. The accused was ordered to undergo rigorous imprisonment for 6 months and fine of Rs.500/- for offence under Section 337 of IPC. An identical sentence was imposed for offence under Section 279 of IPC.
2. Notice of motion had been issued in this case to the limited extent of quantum of sentence only. The learned counsel for the petitioner submitted that the petitioner is aged about 76 years and is not a previous convict and thus prayed that petitioner may be released on probation or the sentence may be reduced to the one already undergone.

3. On the other hand, learned counsel representing the State submitted that the injured in the present case was a young boy aged about 15 years at the time of accident and that in these circumstances, the petitioner does not deserve any leniency in the quantum of sentence.
4. I have considered the rival submissions addressed before this Court. The learned State counsel has today produced custody certificate dated 22.9.2011, issued by Superintendent, Central Jail, Ludhiana indicating that the petitioner had undergone 17 days of actual imprisonment. Bearing in mind the fact that the occurrence had taken place about 16 years back and that the petitioner is aged about 76 years and is not stated to be a previous convict, in my opinion a case is made out for reduction of sentence. Accordingly, the substantive sentence of imprisonment in respect of offence under Sections 337 and 279 of IPC is reduced from six months to the one already undergone. However, the petitioner shall pay compensation to the victim/injured in the sum of Rs.50,000/-.
5. The trial Court shall ensure that the aforesaid compensation is deposited by the petitioner and upon its deposit, the same be disbursed to the victim/injured.
6. The revision petition is dismissed with aforesaid modification in sentence.

September 22, 2017

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Whether speaking/reasoned

Whether reportable

(Gurvinder Singh Gill)
Judge

Yes/No

Yes/No