

In the High Court of Punjab and Haryana at Chandigarh

(I)

CRR No.623 of 2010

Date of Decision:-September 1, 2017

Darshan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(II)

CRR No.234 of 2010

Ramesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Ms. Asha Singh, Advocate,
for Mr. Nandan Jindal, Advocate,
for the petitioner.

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

Gurvinder Singh Gill J. (Oral)

1. This judgment shall dispose of the above mentioned two revision petitions challenging judgment dated 18.1.2010 passed by learned Additional Sessions Judge, Mansa vide which their appeals filed against judgment dated 28.1.2008 passed by learned Chief Judicial Magistrate, Mansa convicting them for offences under Section 323 and 324 IPC have been dismissed.

2. Both the petitioners were tried for offences under Sections 323, 324 read with Section 34 of IPC for having caused injuries to Roop Singh on 26.12.2000 with the help of '*gandasa*' hitting him on his forehead. The injuries found on the person of the complainant Roop Singh have been described by PW-6 Dr. Vijay Kumar as follows :-
 1. Incised wound on the right side of the forehead measures 1-1/2 cm in length 1-2 cm wide and 1-4 cm in depth. Edges of wound are well defined and fresh bleeding was present. Advised x-ray.
 2. Patient complained of pain on various sides like epigetric region and both legs, but no abrasion or swelling at the sites.
3. The learned Magistrate vide judgment dated 28.1.2008 held that the evidence led by the prosecution fully substantiates the charges framed against the accused and accordingly held accused Darshan Singh guilty of having committed offences punishable under Section 324 and Section 323 read with Section 34 IPC and held Ramesh Kumar guilty of having committed offences Section 323/324 read with Section 34 IPC . The appeal filed challenging their conviction was also dismissed by the learned Additional Sessions Judge, Mansa vide judgment dated 18.1.2010. Feeling aggrieved, the accused have preferred the present revision petition.
4. Today, when the matter was taken up for arguments, the learned counsel for the petitioners submitted that they do not challenge the findings of conviction and restrict their arguments to quantum of sentence only.

5. Though the learned counsel for the petitioners have restricted their submissions to quantum of sentence only but this Court deems appropriate to briefly examine the propriety of findings of conviction. The prosecution in order to establish the charges framed against the accused examined PW-1 Dr. Sher Jang Singh, Medical Officer, CHC Khiala Kalan; PW-2 Dr. P.D.Sharma; PW 3 Roop Singh son of Jeet Singh, the complainant; PW-4 Mewa Singh son of Nachhattar Singh, the eye witness; PW-5 Dr. S.P.Bansal Medical Officer and PW-6 Dr. Vijay Kumar, Medical Officer and PW-7 ASI Sukhwinder Singh. A perusal of the statement of PW-3 Roop Singh injured and PW-4 Mewa Singh shows that both have stated consistently regarding the incident on all material aspects of the case. The medical evidence led by the prosecution is also in tune with the ocular version. The learned trial Court as well as the lower Appellate Court have appreciated the evidence in the correct perspective and there is no misreading of evidence. In these circumstances, I do not find any infirmity in the findings of the conviction of the accused and the same are hereby affirmed.
6. As far as the prayer of learned counsel for the petitioners regarding reduction in sentence is concerned, a perusal of record shows that when the accused were granted bail by this Court in the year 2010, they had undergone about 1 month and 25 days of actual sentence out of the total sentence of six months imposed upon them. The occurrence, in the present case had taken place way back in the year 2000. There is nothing on record to show that either of the petitioners are previous convicts.
7. In view of the above stated facts, especially that the petitioners have been

facing incarceration of trial for 17 years and are not even previous convicts, in my opinion, a case is made out for reduction of sentence. The substantive sentence of imprisonment is accordingly reduced from six months to the one already undergone.

8.
- The petitions stand dismissed with the aforesaid modification in sentence.

September 1, 2017

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(Gurvinder Singh Gill)

Judge

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