

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

**CRR No.3910 of 2016 (O&M)
Date of Decision: February 21, 2017**

Gurmail Singh alias Kala

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sumeet Puri, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Gurmail Singh alias Kala against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 18.04.2014 passed by learned Judicial Magistrate Ist Class, Sunam, vide which the petitioner was convicted under Sections 323, 324, 326 and 452 IPC and sentenced to undergo rigorous imprisonment for a maximum period of two and half years under Section 326 IPC along with fine and also challenging the judgment dated 19.09.2016 passed by learned Addl. Sessions Judge, Sangrur, vide which appeal filed by petitioner was partly allowed and the petitioner was acquitted under Sections 326, 324 and 323 IPC, however, the conviction under Sections 452 and 324 IPC was upheld and sentenced to

undergo rigorous imprisonment for a maximum period of 2 years under

Section 452 IPC along with fine. Both the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioners in case FIR No.165 dated 13.12.2008. The brief facts of the case as noted down in the judgment passed by learned JMIC, Sunam, are as under:-

“2. The prosecution story in brief is that complainant Sandeep Kaur has four sisters and one younger brother. Complainant lives in her house alongwith her younger brother and mother. On 12.12.2008 the complainant was sitting in the verandah of her house. The gate of the house was locked. At about 4.00 P.M. accused Gurmail Singh jumped over the wall of the house of complainant and illegally trespassed into the house of the complainant armed with a kirpan. Accused tried to catch hold of the complainant. The mother of the complainant intervened and the accused gave four kirpan blows on the face of the mother of complainant namely Jasmail Kaur. The mother of complainant started bleeding and fell down. Jasmail Kaur raised her left hand to save herself and accused Gurmail Singh gave two kirpan blow on the left hand of the Jasmail Kaur. The complainant raised alarm marta-marta and opened the door of the house, On hearing raulla, Jaswinder Kaur came to the rescue of the complainant and Jasmail Kaur. The accused also gave multiple kirpan blows on the head and left shoulder of Jaswinder Kaur. In the meantime Satnam Singh who is relative of the complainant also reached at the spot. Many other people gathered there and on seeing this accused fled away from the spot. The motive behind the occurrence was that accused had an evil eye on the complainant. Injured were admitted to hospital. On the statement of complainant FIR was registered. During investigation statements of witnesses were recorded, rough site plan was prepared, medical evidence was collected, accused was arrested and on completion of investigation

challan against the accused was presented in the Court.”

Learned JMIC, Sunam, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was partly allowed by learned Addl. Sessions Judge, Sangrur, vide judgment dated 19.09.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner contended that petitioner is a poor person and first offender and suffering from the criminal proceedings since 2008.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is poor person, first offender and is suffering from long protracted criminal proceedings since 2008 i.e. for the last about 9 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of 1½ years under Section 452 IPC instead of 2 years. However, sentence under Section 324 IPC, sentence of fine and in default thereof shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

February 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No