

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 4349 of 2016 (O/M)

Date of decision : 4.7.2017

Kuldeep Singh alias Pappi and others

..... Revisionists

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.S. Brar, Advocate, for the revisionists.
Mr. C.L. Pawar, Senior DAG Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Revisionists-Kuldeep Singh alias Pappi, Harpreet Singh and Ram Singh have preferred this revision against the judgment dated 7.9.2016, passed by the learned Additional Sessions Judge, Moga, affirming that of the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, dated 8.1.2016. However, the sentence awarded under Section 452 IPC was reduced from three years rigorous imprisonment to two years rigorous imprisonment. The learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, had sentenced the accused as under :-

Name of Convict	Offence	Imprisonment	Fine	In default of payment of fine
Kuldeep Singh	U/s 148 IPC	RI for 6 months	-	-
“	U/s 452 IPC	RI for 3 years	Rs. 1,000/-	RI for 15 days
“	U/s 323 IPC	RI for 6 months	Rs. 500/-	RI for 3 days
“	U/s 324/149 IPC	RI for 2 years	Rs. 500/-	RI for 7 days
Harpreet Singh	U/s 148 IPC	RI for 6 months	-	-
“	U/s 452 IPC	RI for 3 years	Rs. 1,000/-	RI for 15 days
“	U/s 323 IPC	RI for 6 months	Rs. 500/-	RI for 3 days
“	U/s 324/149 IPC	RI for 2 years	Rs. 500/-	RI for 7 days
Ram Singh	U/s 148 IPC	RI for 6 months	-	-
“	U/s 452 IPC	RI for 3 years	Rs. 1,000/-	RI for 15 days
“	U/s 323 IPC	RI for 6 months	Rs. 500/-	RI for 3 days
“	U/s 324/149 IPC	RI for 2 years	Rs. 500/-	RI for 7 days

All sentences were ordered to run concurrently.

At the very outset, the learned counsel for accused-revisionists has argued that the co-accused of present accused-revisionists, namely, Bhag Singh, Gurbax Singh, Jaswant Singh and Kulwant Singh were released on probation by the lower Court on the ground that they are aged between 60 to 65 years and are senior citizens. It is stated that the said co-accused were armed with sharp edged weapons, whereas the present accused-revisionists were armed with dangs. Therefore, similar benefit be extended to present accused-revisionists also.

I have heard the learned counsels for both the parties and have also carefully gone through the file.

The perusal of the MLR shows that injuries No. 4, 5 and 6, which are on the left side of the forehead, on the back of the left chest and bright red contusions on the chest region, caused on the person of Mohinder Singh, were attributed to present accused-revisionists. However, accused-revisionists were also attributed injuries caused to Harjinder Kaur, out of which injury No. 1 was declared grievous in nature being fracture. There are other three injuries on the person of Harjinder Kaur, two of which are on the head, though it is not specifically stated as to out of which of the three accused caused the specific injuries. However, with the aid of Section 149 IPC, accused-revisionists were convicted under Section 324 IPC and sentenced to undergo rigorous imprisonment for two years. The allegations are that the injuries were caused after entering the house of the complainant. Keeping in view the nature of injuries, attributed to accused-revisionists and noticing that some of the injuries are on the head of Harjinder Kaur, I am of the view that it is not a fit case where similar benefit of probation should be

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extended to present accused-revisionists. However, keeping in view the fact that the occurrence took place in the year 2010 and that as per the custody certificates of present accused-revisionists dated January, 2017, produced in Court today and taken on record, accused-revisionists have already undergone more than 10 months, the sentence of rigorous imprisonment for two years, awarded under Section 452 IPC and sentence of rigorous imprisonment for two years, awarded under Section 324 IPC read with Section 149 IPC, are reduced to one year, while the fine of Rs. 1,000/- each, awarded under Section 452 IPC, is enhanced from Rs. 1,000/- each to Rs. 10,000/- each and the fine of Rs. 500/- each, awarded under Section 324 IPC, is enhanced to Rs. 10,000/- each. The amount of fine shall be paid to injured Harjinder Kaur and complainant Mohinder Singh in equal share.

With the abovenoted modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

4.7.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No