

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 4569 of 2016 (O&M)
Date of Decision : 20.04.2017

Buta Singh and others
....Petitioners

Versus

State of Punjab
....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Monita Mehta, Advocate
for the petitioners.

Mr. Jashanpreet Singh, AAG, Punjab.

Surinder Gupta, J.

This is revision against judgment dated 08.08.2016 passed by Additional Sessions Judge, Hoshiarpur whereby appeal filed by petitioners was dismissed and conviction and sentence awarded to them by the trial Court was upheld.

2. Petitioners were convicted and sentenced by the trial Court as follows:-

<i>Name of accused</i>	<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
Buta Singh, Jarnail Singh, Ashwani Kumar & Ram Dulari	452 IPC	Imprisonment for 2 years each	₹500/- each	Imprisonment for 1 month
Buta Singh, Jarnail Singh	326 IPC	Imprisonment for 2 years	-	-
Ashwani Kumar and Ram Dulari	326 read with Section 34 IPC	-	-	-
Ashwani Kumar and Ram Dulari	324 IPC	Imprisonment for 1 year	-	-
Buta Singh and Jarnail Singh	324 read with Section 34 IPC	Imprisonment for 1 year	-	-
Buta Singh, Jarnail Singh, Ashwani Kumar and Ram Dulari	323 IPC	Imprisonment for 1 year	-	-

3. Learned counsel for petitioners has not challenged conviction

of petitioners as recorded by the Courts below on merits but requested for lenient view, submitting that petitioners have already undergone about one year of imprisonment and have suffered for the offence committed by them. He has sought reduction of sentence awarded to petitioners to the period of imprisonment already undergone by them as they are not previous convicts and occurrence has taken place at the spur of moment because of exchange of hot words between son of complainant and petitioner no. 1-Buta Singh son of Dhani Ram.

4. Custody certificates produced on file shows that petitioner no. 1-Buta Singh has undergone nine months and five days of imprisonment as on 02.02.2017, meaning thereby that he has undergone about one year of imprisonment by now. Similar imprisonment has also been undergone by petitioner no. 2-Jarnail Singh while petitioner no. 3-Ashwani Kumar has undergone about 10 months and 18 days of imprisonment by now.

5. In the occurrence, Harjinder Singh had suffered four injuries out of which three injuries were complain of pain and fourth injury was incised wound of 4 cm. X 1.5 cm. on back of left arm. All injuries on the person of Harjinder Singh were declared simple in nature. Kamlesh Kumari other injured has suffered two injuries caused by sharp-edged weapon and both were declared grievous in nature. These injuries were on left forearm and left ring finger. Neither of the injury was on vital part of the body. There is nothing on file to show that petitioners are previous convicts. Prior to occurrence, there was exchange of hot words between petitioner no. 1-Buta Singh and Harjinder Singh son of complainant-Kamlesh Kumari. Both the parties are from same village

6. Keeping in view the facts discussed above, I am of the opinion that it is a good case where a lenient view regarding quantum of sentence awarded to petitioners, can be taken. Consequently, sentence awarded to petitioners for offences punishable under Sections 452 and 326 IPC is reduced from rigorous imprisonment for two years to rigorous imprisonment for 18 months. However, amount of fine imposed on petitioners is enhanced from ₹500/- to ₹5000/- each which on payment be paid to both the injured in equal shares.

Disposed of with above modification.

April 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No