

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

CRR-1376-2017 (O&M)
Date of Decision:- 8.9.2017

Charan Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: Hon'ble Mr. Justice Gurvinder Singh Gill

Present:- Mr. Narender S. Lucky, Advocate,
for the petitioners.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Gurvinder Singh Gill, J.

The petitioners namely Charan Singh, Gurmukh Singh and Sarabjit Kaur were tried for having committed offences punishable under Sections 323, 324 and 427 read with Section 34 of Indian Penal Code, 1860 (for short 'the IPC'). The trial Court held all the three accused guilty and sentenced them to undergo rigorous imprisonment for one year in respect of offence under Section 323 IPC; and to undergo rigorous imprisonment for two years along with fine of ₹500/- each in respect of offence under Section 324 IPC.

The Appellate Court while maintaining the substantive sentence of imprisonment, awarded compensation to each of the victim/injured to the tune of ₹5, 000/-. When this revision petition was heard by Co-ordinate Bench on 19.4.2017, notice of motion was issued to the limited extent regarding quantum of sentence only.

I have heard learned counsel for the petitioners as well as learned counsel representing the State. As per custody certificates issued on 6.7.2017, which have been filed today by the State counsel, each of the petitioners had undergone actual sentence of 3 months and 14 days as on 6.7.2017. A period of 2 months has elapsed, ever since issuance of said certificates. The accused are still in custody. As such, by now all the petitioners have undergone more than five months of substantive imprisonment.

A perusal of the impugned judgment dated 22.3.2017 indicates that the age of petitioner No.1-Charan Singh is recorded as 67 years. Though the age of petitioner No.3-Sarabjit Kaur w/o Charan Singh is not recorded in the impugned judgment dated 22.3.2017, but the learned counsel for the petitioners has today shown a copy of charge-sheet dated 19.11.2013, wherein the age of petitioner No.3-Sarabjit Kaur is recorded as 60 years. Thus the age of Sarabjit Kaur would be about 64 years. Bearing in mind the ages of the aforesaid petitioners and also the fact that the occurrence was on account of a petty dispute between neighbours regarding cleaning of drain and also that they are not previous convicts, in my opinion a case is made out for reduction of sentence.

Accordingly, substantive sentences of imprisonment of petitioners No.1 and 3 are reduced to one already undergone. As regards petitioner No.2-Gurmukh Singh, he was aged about 28 years at the time when the charges were framed. In view of the totality of the facts and circumstances of the case, the substantive sentence of imprisonment as imposed upon him by the trial Court also deserves to be reduced.

Accordingly, substantive sentence of imprisonment of petitioner No.2 in

respect of offence under Section 323 of IPC is reduced from rigorous imprisonment for one year to rigorous imprisonment for six months and the sentence in respect of offence under Section 324 of IPC is reduced from rigorous imprisonment for two years to rigorous imprisonment for one year. There shall be no change in the amount of compensation as awarded by the lower Appellate Court.

The revision petition stands disposed off with the aforesaid modification in sentence awarded to the petitioners.

September 8, 2017
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No