

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRR No.1827 of 2017 (O&M)

Date of decision: 26.5.2017

Amma @ Papa and another	... Petitioners
versus	
State of Punjab	... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Mandeep Kaushik, Advocate,
for the petitioners
Mr.Rajesh Mehta, Addl.AG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

Though learned counsel for the petitioners submits today that he would not press the challenge to the conviction, if the petitioners are released on probation of good conduct, however, seeing the nature of injuries alleged to have been inflicted on the victims, that prayer cannot be accepted.

As noticed in the earlier orders of this Court, this Court can appreciate that the appeal against the judgment of the learned trial Court, convicting and sentencing the petitioners herein and their co-accused for the commission of various offences given in the judgment of that Court (punishable under Sections 452, 323, 427, 506 and 380 IPC), was an appeal not pressed only because of the prayer made that they be released on probation of good conduct. However, that prayer was not accepted and instead the quantum of sentence imposed upon the petitioners herein and their co-accused was reduced by the learned appellate Court, from 2 years (for the offences punishable under Sections 452 and 380 IPC, with a lesser

sentence for other offences), to 6 months and 3 months respectively.

Learned counsel again reiterates that the said prayer was only on the aforesaid premises. It is further seen from the grounds of appeal before the learned appellate Court, as have been annexed along with this petition, that the judgment of the learned trial Court was actually challenged on merits.

Hence, with learned counsel submitting that the petitioners wish to challenge their conviction on merits, it is considered appropriate to remit the matter back to the appellate Court for a decision on merits, in terms of the evidence led before the trial Court, and to come to its own conclusion with regard to the innocence or guilt of the petitioners herein.

Consequently, the impugned judgment of the learned Additional Sessions Judge, Ludhiana, dated 6.4.2017, is set aside and this petition is remanded to that Court, to be re-instituted as an appeal against the judgment and order of the learned JMIC, Ludhiana, dated 27.5.2014, with such appeal to be heard on merits.

Considering the fact that the petitioners are shown to have put in 1 month and 28 days of actual imprisonment as per the custody certificate filed in Court today by the learned State counsel, out of the 6 month reduced sentence imposed upon them by the learned appellate Court, even though that judgment has been set aside, it is considered appropriate that the petitioners be admitted to bail presently.

Ordered accordingly.

Upon the petitioners being produced before the learned appellate Court, on this matter coming up before it now, they would be

admitted to bail to the satisfaction of that Court.

The petition is disposed of.

26.5.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No