

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR No.186 of 2017
Date of Decision: April 28, 2017

Sukhdayal Singh
.....Petitioner

vs.

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

The instant revision petition has been filed against the concurrent conviction of the petitioner for offences punishable under Sections 186, 353, 323 of the Indian Penal code. The petitioner has been sentenced as under:-

Under Section 186 IPC	03 months simple imprisonment
Under Section 353 IPC	01 year simple imprisonment
Under Section 325 IOC	01 year simple imprisonment

The sentence were directed to run concurrently.

2. Case of the prosecution was that on 04.06.2010, in pursuance to the orders passed by the District Magistrate, Amritsar, a team of officials lead by Sh. Lachman Singh Block Development and Panchayat Officer, Jandiala Guru, in the

capacity of Duty Magistrate, Jaswant Singh Panchayat Officer, Veer Singh SDPO and Niranjana Singh Panchayat Secretary along with certain other police officials had proceeded to village Bandala to vacate a street upon which there was encroachment and illegal possession of Sukhdayal Singh/present petitioner. Allegations were that while the proceedings for removal of encroachment were going on, accused Sukhdayal Singh climbed the roof of his room and started throwing brick bats. One Satinderjeet Singh @ Peter, who was present at the spot, received injuries. On the complaint of Duty Magistrate, Sh. Lachman Singh, criminal proceedings were initiated against the petitioner. FIR was lodged and investigation was carried out. After completion of investigation, challan was presented. Trial Court framed charges against the accused under Section 186, 353, 325 IPC to which he pleaded not guilty and claimed trial. Trial has culminated in the conviction and orders of sentence passed by the trial Court as noticed hereinabove. Upon appeal having been preferred the judgment of conviction and order of sentence passed by the trial Court stands affirmed.

3. Counsel at the very outset makes a statement that he is not assailing the conviction of the petitioner on merits but would confine the scope of the instant petition as regards quantum of sentence.

4. In the light of such submission made by counsel, this

Court need not dilate into the minute details of the case.

5. As per custody certificate furnished by learned State counsel, the petitioner has already undergone an actual sentence period of four months and 19 days as on 28.04.2017.

6. The incident relates back to the year 2010. The petitioner has faced the pangs of trial followed by appeal for a period of almost seven years. The petitioner is a first time offender. He is stated to be the sole bread earner of the family. In the considered view of this Court, the aforenoticed would be sufficient mitigating circumstances to take a lenient view as regards quantum of sentence.

7. In view of the discussion above, the instant revision is disposed of in terms of upholding the conviction of the petitioner but reducing the substantive sentence awarded to the petitioner to a period of six months.

8. Petitioner would be released on completion of such reduced sentence.

9. Revision petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

28.04.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No