

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

CRR No.2719 of 2017 (O&M)
Date of Decision: November 27, 2017

Kala Singh alias Manjit Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Swaich, Advocate
for the petitioner.

Mr.K.S.Aulakh, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kala Singh alias Manjit Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 04.03.2017 passed by learned Judicial Magistrate Ist Class, Patiala, vide which the petitioner was convicted under Sections 325, 323, 506, 509 and 201 IPC and sentenced to undergo rigorous imprisonment for a maximum period of two years under Section 325 IPC along with fine and also challenging the judgment dated 03.07.2017 passed by learned Addl. Sessions Judge, Patiala, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the

petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against the petitioner in case FIR No.536 dated 16.10.2009. The brief facts of the case as noted down in the judgment passed by learned JMIC, Patiala, are as under:-

“2. Brief facts of the prosecution case are that on 16.7.2009 a wireless message was received from Incharge Police Post Rajindra Hospital, Patiala at PS Sadar Patiala, wherein it was stated that injured Shakuntla Rani w/o Jeewan was admitted in the hospital due to injuries on her person and as such investigating officer was required to be sent for investigation. On receipt of information SI Thura Ram along with other police officials reached the said hospital and moved an application before medical officer seeking his opinion about fitness of the injured to record statement and the complainant was declared fit to make statement. Accordingly, IO recorded the statement of the complainant Shakuntla Rani w/o Jeewan Singh r/o Village Ghalori, Police Station Sadar, Patiala, who in her statement stated that she is labourer by occupation. On 15.7.2009 at about 7 AM she alongwith her elder daughter Reeta aged about 17 years and other daughter Reetu aged about 15 years was present at their house. The complainant was standing in the plot adjoining to her house, where she had grown vegetables etc. In the meantime Kala s/o Baldev Singh of that very village came there and started abusing the girls of the complainant and stated that daughters of complainant were of loose character. Said Kala also stated that he wanted to become son in law of the complainant. The complainant also replied him that he must be having sisters and they are also of loose character. At this Kala gave a danda blow on the left shoulder of the complainant and another blow on the eye-brow of the complainant. The accused gave other blow on the left bicep of complainant and one blow on the fingers of the hand. The complainant started raising noise marta-marta and on hearing the same Beant Singh, Gurbachan Singh and daughters of the complainant came there and rescued her from the clutches of the accused. The accused left the spot while

giving threats to kill the complainant and also abusing. The motive behind the occurrence as stated by the complainant was that accused used to tease and abuse her daughters and when complainant tried to stop her from doing so accused had given beatings to the complainant. Naresh Kumar Son of the complainant got her admitted in the hospital where she was got medically examined. Statement of the complainant was read over to her and she put her thumb impression on it. Thereafter, investigating officer made endorsement and on the basis of which formal FIR was registered against the accused under signatures of ASI Jora Singh. Thereafter, investigating officer collected medical record of the complainant. He visited the spot prepared rough site plan. On 23.10.2009, accused was arrested and his personal search memo was prepared on completion of investigation challan against the accused was prepared.”

Learned JMIC, Patiala, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Patiala, vide judgment dated 03.07.2017.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, again learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only prayed for reduction of sentence imposed upon the petitioner. Learned counsel for the petitioner argued that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2009.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be first offender, only

since 2009 i.e. for the last about 8 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year under Section 325 IPC instead of two years. However, other sentence, sentence of fine and in default thereof, shall remain the same.

With the above-said modification in the sentence, present revision petition stands dismissed.

November 27, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No