

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

CRR No.3328 of 2017 (O&M)

Date of Decision:27.11.2017

Ruldu and another Petitioners

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Gupta, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Kuldip Singh, J.(Oral)

Custody certificates filed in Court today is taken on record, which shows that petitioner – Sukhwinder Singh has undergone a total sentence of 8 months and 2 days including the remission of 1 month and 8 days. Accused Ruldu has undergone a total sentence of 5 months and 19 days including remission of 1 month and 10 days. Both the petitioners were sentenced under Sections 323, 326 read with Sections 149, 148 and 452 IPC each as under:-

“Ruldu 323 IPC	RI for a period of four months and to pay fine of Rs.400/- and in default of payment of fine, SI for a further period of 20 days.
-do- 326 IPC read with 149 IPC	RI for a period of one year and to pay fine of Rs.8000/- and in default of payment of fine, SI for a further period of two months.
-do- Section 148 IPC	RI for a period of three months and to pay of Rs.200/- and in default of payment of fine, SI for a further period of ten days.
-do- 452 IPC	RI for a period of six months and to pay fine of Rs.500/- and in default of payment of fine, SI for a further period of 15 days.

“Sukhwinder Singh 323 IPC	RI for a period of four months and to pay fine of Rs.400/- and in default of payment of fine, SI for a further period of 20 days.
-do- 326 IPC read with 149 IPC	RI for a period of one year and to pay fine of Rs.8000/- and in default of payment of fine, SI for a further period of two months.
-do- Section 148 IPC	RI for a period of three months and to pay of Rs.200/- and in default of payment of fine, SI for a further period of ten days.
-do- 452 IPC	RI for a period of six months and to pay fine of Rs.500/- and in default of payment of fine, SI for a further period of 15 days.”

All the sentences were directed to run concurrently. A perusal of lower Court judgment shows that Sukhwinder Singh had given a dang blow on the right cheek and Ruldu gave a dang blow on the right thigh of injured. However, they had not been attributed to the serious injury which alleged to have been given by Jagga Singh on the right elbow of the injured.

Considering the nature of injuries and the fact that there is no previous conviction against the petitioners and no criminal case is pending against them, their sentence under Section 326 IPC is reduced from rigorous imprisonment for one year to rigorous imprisonment for nine months. Remaining part of the sentence under Section 326 IPC and the sentence under the remaining sections is maintained.

With the above noted modification, the revision is dismissed.

November 27, 2017
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(KULDIP SINGH)
JUDGE

1. Whether Speaking/ Non Speaking? Yes/No
2. Whether reportable? Yes/No