

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-369-2017 (O&M)

Date of Decision: 24th July, 2017

SUKHCHAIN SINGH @ SUKHA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Abhinandan Pandhi, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

H.S. MADAAN, J. (Oral):

Sukhchain Singh @ Sukha son of Harjinder Singh, aged about 25 years, an accused in FIR No. 167, dated 31st October, 2007, for offence under Section 324 of Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Mehna, had faced trial in the Court of Judicial Magistrate 1st Class, Moga, for the charge under Section 324 of IPC itself on the allegations that on 30th October, 2007, at about 08:00 A.M, in the area of Village Smalsar, District Moga, while having a sword he had attacked complainant-Jagdev Singh son of Nirbhai Singh, resident of Maddoke causing him injuries on left cheek and upper side of left eye. The trial ended in conviction of Sukhchain Singh @ Sukha and he was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.3,000/-, in default of payment of fine, to further undergo rigorous imprisonment for three months for the said offence under

Section 324 of IPC vide judgment and order dated 19.02.2015.

Feeling aggrieved by the said judgment of conviction and order of sentence, Sukhchain Singh @ Sukha-accused-convict had filed an appeal but the same was dismissed by the Additional Sessions Judge, Moga, vide detailed judgment dated 09.03.2016 and accused was taken into custody and sent to Central Jail, Faridkot. The accused-convict has challenged the judgments passed by the Courts below in this Court by way of filing the present revision petition. Notice of the revision petition has been given to the State. As a matter of fact, notice had been issued to complainant also which was served but he did not at all put in appearance.

At the very outset, learned counsel for the petitioner has submitted that he does not want to challenge the conviction of the petitioner but he prays for reduction of the sentence for the reason that the petitioner is of young age, a first offender and a poor man. He has further contended that the petitioner has already undergone imprisonment for more than one year and six months out of the total sentence of two years.

Learned State counsel has placed on file the custody certificate of Sukhchain Singh @ Sukha depicting that he has already undergone a period of one year, six months and twenty eight days of actual sentence. According to learned State counsel, this period has been calculated after taking into consideration the remission period. The petitioner is not shown to be involved in any other criminal case. He is stated to be aged about 25 years. Thus, keeping in view all facts and circumstances including the age of the petitioner, his previous antecedents and the fact that he has already undergone a major portion of the sentence imposed upon him and fortunately, the injuries on person of complainant-injured were simple in nature, I am of the view that ends of justice

shall be adequately met if sentence of the petitioner is reduced from two years to the period of sentence already undergone by him in this case.

Accordingly, conviction of petitioner is maintained for offence under Section 324 of IPC, whereas, his sentence is reduced to the period already undergone by him. The fine imposed to the tune of Rs.3,000/- with default clause is kept intact. By such modification in the judgment, the revision petition stands disposed of.

(H.S. Madaan)
Judge

24.07.2017

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Whether speaking/reasoned: **Yes**

Whether Reportable: **No**