

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No. 7 of 2017

Date of Decision: April 17, 2017

Balwinder Singh and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Munish Gupta, Advocate for the petitioners.

Mr.Varun Sharma, Assistant Advocate General, Punjab.

Mr.SS Sisodia, Advocate for

Mr.JSS Uppal, Advocate for complainant.

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the judgment dated 6.12.2016 passed by the learned Additional Sessions Judge, Sangrur in terms of which the judgment of conviction and order of sentence dated 16.10.2014 passed by the Judicial Magistrate Ist Class, Malerkotla, whereby the present petitioners were held guilty and convicted for offences punishable under Sections 341, 323, 324, 326 read with Section 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of one year, has been upheld.

2. Learned counsel, at the very outset, states that he is not assailing the conviction of the petitioners on merits but is

confining the scope of the instant revision petition only as regards quantum of sentence.

3. In the light of such submission advanced, it would not be necessary for this Court to delve into the minute details of the case.

4. Suffice it to notice that the process of law was set in motion on the statement suffered by complainant-Iqbal Singh (respondent No.2 herein) that on 12.5.2009, the Panchayat Secretary of the village was disbursing old age pension. On account of some work at home, complainant was returning back and at about 10.00 A.M., the accused-party/petitioners herein launched an attack upon him. Balwinder Singh-petitioner No.1 is stated to have given a rod blow on the left side of the head. Harpreet Singh-petitioner No.2 caused a kirtch blow which landed on the left hand of the complainant. Iron rod blows were also given on the left thigh of the complainant. Motive attributed was that there had taken place an altercation previously and on account of which, the accused-party was nursing a grudge. Based on the complaint, MLR of the complainant was conducted and FIR was registered. After completion of investigation, challan against the accused-party was presented before the Court. Finding prima-facie commission of offence punishable under Sections 326, 324, 323, 341 and 34 of the Indian Penal Code, charges were framed against the accused to which they pleaded not guilty and claimed trial. To prove its case, prosecution examined PW1 Head Constable Bhupinder Singh, PW2 Iqbal Singh, PW3 Dr.Rajesh Garg, PW4 Dr.Jameel Bhatti, PW5 Dr.Balwinder Singh and PW6

Dr.Gurdeep Singh. After closure of prosecution evidence, statements of the accused were recorded under Section 313 of the Code of Criminal Procedure. No evidence was led by the accused in their defence. The trial culminated in the conviction and sentence of the petitioners as noticed hereinabove. The judgment of conviction and order of sentence stands affirmed by the Appellate Court. Hence, the revision petition.

5. This Court has perused the judgments recorded by the Courts below and finds that the conviction of the petitioners has been recorded on due appreciation of evidence adduced on record. No scope for interference is made out in exercise of the revisional jurisdiction of this Court.

6. Conviction of the petitioners, as such, is confirmed.

7. However, this Court finds sufficient mitigating circumstances to accept the prayer for reduction of sentence.

8. The injury suffered by the complainant, namely, Iqbal Singh and which attracted offence under Section 326 of the Indian Penal Code, was suffered on the left hand. The injury inflicted on the head/scalp was opined as simple in nature. Both the petitioners are first time offenders. They are of a young age.

9. Learned counsel for the petitioners also placed reliance upon a compromise-deed placed on record at Annexure A1 to submit that post conviction, parties with the intervention of the elders and respectables have entered into a compromise.

10. The complainant is represented through Mr.SS Sisodia, Advocate and who also concedes to the factum of the compromise.

11. The custody certificates furnished by the learned State counsel would show that both the petitioners have undergone an actual custody period of four months and four days as of date.

12. In the light of the mitigating circumstances noticed hereinabove, this Court is of the considered view that the ends of justice would be met if the substantive sentence awarded to the petitioners is reduced to a period of six months rigorous imprisonment.

13. For the reasons recorded above, the instant revision petition is disposed of in terms of confirming the conviction of the petitioners. However, substantive sentence is reduced to a period of six months rigorous imprisonment. Petitioners would be released upon completion of such reduced sentence and after deposit of fine as imposed by the trial Court, if not already paid.

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

(TEJINDER SINGH DHINDSA)
JUDGE

April 17, 2017

SRM

Note: *Whether speaking/reasoned?* *Yes/No*

Whether Reportable? *Yes/No*