

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

**CRR No.920 of 2017 (O&M)
Date of Decision: June 01, 2017**

Kuldeep Singh and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.T.S.Sangha, Senior Advocate with
Mr.Narinder Singh, Advocate
for the petitioners.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Kuldeep Singh and Amrik Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 18.11.2016 passed by learned Judicial Magistrate Ist Class, Rupnagar, vide which the petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days under Section 325 read with Section 34 IPC each and to undergo rigorous imprisonment for a period of three months and to pay fine of ₹500/- and in default of payment of fine, to further undergo simple imprisonment for a

period of fifteen days under Section 323 read with Section 34 IPC and also

challenging the judgment dated 08.02.2017 passed by learned Sessions Judge, Rupnagar, vide which appeal filed by petitioners was dismissed with modification i.e. petitioner Kuldeep Singh was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days under Section 325 IPC; to undergo rigorous imprisonment for a period of three months and to pay fine of ₹500/- and in default of payment of fine, to further undergo simple imprisonment for a period of fifteen days under Section 323 read with Section 34 IPC and Section 323 IPC each whereas petitioner Amrik Singh was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days under Section 325 read with Section 34 IPC; to undergo rigorous imprisonment for a period of three months and to pay fine of ₹500/- and in default of payment of fine, to further undergo simple imprisonment for a period of fifteen days under Section 323 IPC and Section 323 read with Section 34 IPC each. All the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioners 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

as noted down in the judgment passed by learned JMIC, Rupnagar, are as under:-

“2. Brief facts of the prosecution case are that the present FIR has been registered on the statement of Jaswindr Singh son of Prem Singh resident of Tajpur Distt. Ropar. He stated in his statement that he is resident of above address and is a driver by profession. On 22.07.09 at 08.30 a.m. he was called by Jagjit Singh Panch in his house to settle the matter with Kuldeep Singh and Amrik Singh. When he went there accused were already present there. When the conversation started the accused Kuldeep Singh caught hold him and threw him on the floor. He raised alarm “Bachao Bachao” then Amrik Singh gave danda blow on his forehead and Kuldeep Singh gave iron rod blow which hit him on his left leg. He raised alarm and on hearing hue and cry his father Prem Singh and uncles Swaran Singh and Mehar Singh came there. Then accused Amrik Singh hit Swaran Singh with danda blow on his head. Kuldeep Singh gave iron rod blow on the head of Mehar Singh and also gave fist blows on the person of father of complainant namely Prem Singh hitting below his left eye. Then they all ran away from the spot. They were taken to hospital for treatment. On the basis of statement of complainant necessary investigations were conducted by police and FIR was registered and final challan against the accused was presented in the court u/s 325, 323 and 34 IPC.”

Learned JMIC, Rupnagar after appreciating the evidence, convicted and sentenced the petitioners as stated above. An appeal was filed by the petitioners and the same was dismissed by learned Sessions Judge, Rupnagar, vide judgment dated 08.02.2017 with modification as stated above.

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

At the time of arguments, learned counsel for the petitioners contended that the petitioners are poor persons, first offenders, only bread earners of the family and they are suffering from the criminal proceedings since 2009.

I have heard learned counsel for the petitioners 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 petitioners are stated to be poor persons, first offenders, only bread earner of the family and facing long protracted criminal proceedings since 2009 i.e. for the last about 8 years, the sentence imposed upon the petitioners is reduced and they are directed to undergo rigorous imprisonment for a period of five months instead of one year each under Section 325/34 IPC. However, other sentence, sentence of fine and in default thereof shall remain the same.

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

June 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No