

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

CRR No.1184 of 2017.

Decided on:-August 29, 2018.

Jagjit Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sarwinder Goyal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

HARI PAL VERMA, J.

The petitioner has filed the present revision petition against the judgment dated 15.12.2016 passed by learned Additional Sessions Judge, Mansa whereby his appeal against the judgment of conviction and order of sentence dated 24.02.2014 passed by learned Judicial Magistrate 1st Class, Mansa, was dismissed.

Briefly stated, an FIR No.75 dated 26.09.2009 under Sections 323 and 325 read with Section 34 IPC was registered against the petitioner and co-accused Jagtar Singh at Police Station Joga, District Mansa on the allegations that on 21.08.2009 at about 08.00 P.M., they in furtherance of their common intention caused simple as well as grievous injuries to injured-complainant Gurlal Singh with blunt weapons.

After completion of investigation, Challan was presented in the Court. The copies of Challan as envisaged under Section 207 Cr.PC were supplied to the accused free of costs. On finding a prima-facie case, the accused were charge sheeted for the commission of offence punishable under Sections 323 and 325 read with Section 34 IPC to which they did not plead guilty and claimed trial.

During the pendency of trial, co-accused Jagtar Singh suffered a confessional statement admitting his guilt. Thus, learned trial Court vide its judgment dated 05.04.2012 convicted him, whereas the trial against petitioner-accused Jagjit Singh proceeded.

After recording the evidence and hearing the parties, learned trial Court vide judgment and order dated 24.02.2014 convicted the petitioner and sentenced him as under:

<u>Offence</u>	<u>Sentence</u>
Under Section 323 IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default thereof, to further undergo rigorous imprisonment for 15 days.
Under Section 325 IPC	Rigorous imprisonment for a period of 18 months and to pay fine of Rs.3,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.

It was further ordered that both the substantive sentences shall run concurrently.

Feeling aggrieved, the petitioner preferred an appeal against the said judgment and order of sentence before the Court of Session. A separate appeal for enhancement of the sentence was also filed by complainant-injured Gurlal Singh. However, vide judgment dated 15.12.2016 passed by learned Additional Sessions Judge, Mansa, both appeals were dismissed.

It is in the aforesaid circumstances, the petitioner has filed the present revision petition.

At the outset, learned counsel for the petitioner has not challenged the revision on merits, however, prayed that some lenient view may be taken qua quantum of sentence only. He has contended that as against the awarded sentence of 18 months, the petitioner has already undergone imprisonment for a period of 1 year and 4 days including remission.

He has further contended that the petitioner is a poor person and has to look after a minor daughter and old parents. He is the sole bread earner of his family. He is not a previous convict and no other case is pending against him. He has been suffering the agony of criminal proceedings since 26.09.2009 i.e. the date when the FIR in question was registered against them. Thus, he has prayed that the sentence of the petitioner may be reduced to the period already undergone by him.

On the other hand, learned State counsel has not disputed the custody of the petitioner, but has opposed the plea of taking a liberal view, as pleaded by learned counsel for the petitioner. However, he has conceded that the petitioner is not a previous convict and there is no other case pending

against the petitioner. The custody certificate of the petitioner filed in the Court, is taken on record.

I have heard learned counsel for the parties.

On perusal of the judgments of both the Courts below, this Court is of the considered view that the trial Court has rightly appreciated the evidence on record while holding the petitioner guilty for commission of offence under Sections 323 and 325 IPC. The appellate Court has also dismissed his appeal. There is no illegality or perversity in the findings given by both the Courts below which may warrant interference of this Court by invoking revisional jurisdiction. Even otherwise, learned counsel for the petitioner has not assailed the judgments of conviction and has, rather, restricted his arguments qua the quantum of sentence only. The conviction of the petitioner is, therefore, affirmed.

So far as the issue of quantum of sentence is concerned, as against the awarded sentence of 18 months, the petitioner has already undergone imprisonment for a period of 1 year and 4 days including remission and no other case is pending against him. He has been facing the agony of criminal proceedings since 26.09.2009 i.e. the date when the FIR in question was registered against him. He is not a previous convict and no other case is pending against him.

Therefore, taking into account the protracted trial, antecedents of the petitioner, coupled with the fact that as against the awarded sentence of 18 months, he has already suffered incarceration for a period of 1 year and 4 days including remission, this Court feels that the ends of justice would be

met, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

Ordered accordingly.

With aforesaid modification in the order of sentence, the present revision petition stands dismissed.

August 29, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No