

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2578 of 2017

Date of Decision: 03.07.2018

Parkash Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Ramandeep Kaur , Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

CRM-23338-2017

Heard. There is delay of 74 days in filing the revision petition.

In view of facts mentioned in the application, the same is allowed and delay of 74 days in filing the instant revision is, hereby, condoned.

CRR-2578-2017 (O&M)

Heard.

Learned counsel for the petitioner confines her submission only for reduction of sentence awarded to the petitioner. She submits that main injury under Section 326 IPC was attributed to co-accused, namely, Harbilas Singh, who has since died. The petitioner has been attributed injury constituting offence punishable under Section 325 IPC. It was a cross-version case and parties in both the cases are related to each other. This fact was taken into account by learned Ist Appellate Court while giving the benefit of probation to accused in cross-version case, who were also

convicted and awarded sentence of imprisonment for two years.

The petitioner has undergone actual sentence of 1 year 2 months and 1 day as on 26.06.2018 and total sentence, including remissions, of 1 year 6 months and 3 days. She requests that sentence of petitioner may be reduced to the sentence already undergone by him.

Learned State counsel argues that the petitioner has been attributed grievous injury with blunt weapon caused on foot of complainant-Tota Singh.

Learned Ist Appellate Court has already taken into consideration this fact while reducing the sentence awarded to petitioner by learned trial Court from 3 years to 2 years. Learned Ist Appellate Court has observed in paras 32 and 33 of the judgment as follows:-

“32. When heard on quantum of sentence, submission of convict/appellant along-with his counsel is that in a cross case, complainant party who was sentenced for imprisonment by the Ld. Trial Court has been released on probation 17.05.2016. His contention is that parties are related to each other. They also suffered injuries in the fight which took place between the parties. He stated that he is handicapped and is only earning hand in his family. Main accused, to whom the charge for offence under Section 326 of IPC is attributed, has since expired. So he prays for leniency.

33. Keeping in mind the facts and circumstances of the accused, this court considers that sentence awarded to accused for offence under Section 326 read with section

34 IPC for the period of 3 years has to be reduced to two years by modifying the order of sentence by maintaining all other terms and conditions of sentence order as it is.”

The accused in cross-version case, who were also sentenced for causing grievous injuries to accused party, were allowed the benefit of probation. The grievous injury constituting offence punishable under Section 326 IPC was not attributed to the petitioner, rather it was attributed to co-accused-Harbilas Singh, who has since expired.

Keeping in view above facts and that the petitioner has already undergone about 1 year and 6 months of imprisonment (including remissions), I find reasons to accept submissions of learned counsel for the petitioner to reduce the sentence awarded to the petitioner. Accordingly, the sentence of petitioner for offences punishable under Sections 325 and 326 IPC read with Section 34 IPC is reduced to the sentence of imprisonment already undergone by him till date. Remaining sentence including sentence of payment of fine are, however, upheld. This revision petition stands disposed of accordingly.

A copy of this order be sent to all concerned.

July 03, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No