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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-14326-14327-2018 in/and
CRR-1419-2018 (O&M)
Date of decision : 7.6.2018

Jiwan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.K. Sharma, Advocate for
applicant-petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

CRM-14326-2018

This is an application seeking condonation of delay of 155 days in filing the revision petition.

For the reasons mentioned in the application, delay of 155 days in filing the revision petition is condoned.

CRR-1419-2018 (O&M)

Learned State counsel has filed the custody certificate dated 5.6.2018 in Court today. The same is taken on record.

Heard.

As per the allegations against the petitioner, he along with other two persons assaulted the complainant-Gulshan Lal with sticks. As a result of which, Gulshan Lal-complainant suffered three fractures on the forearm, ulna lower of the right hand and radius ulna on the right forearm.

Learned Additional Chief Judicial Magistrate, Sangrur after the trial, convicted the present petitioner under Sections 325, 323 and 341 of the Indian Penal Code and the other two co-accused namely Raghvir Singh @ Kaka and Nimmi Singh were acquitted of charges by giving benefit of doubt under Sections 325, 323 and 341 of the Indian Penal Code and sentenced the petitioner as under: -

<i>Under Section</i>	<i>Name of the Convict</i>	<i>Sentence</i>
325 IPC	Jiwan Singh	<i>To undergo rigorous imprisonment for three years and to pay fine of Rs. 5,000/-. In default thereof, he shall further undergo rigorous imprisonment for three months.</i>
323 IPC	-do-	<i>To undergo rigorous imprisonment for six months three years and to pay fine of Rs. 1,000/-. In default thereof, he shall further undergo rigorous imprisonment for fifteen months.</i>
341 IPC	-do-	<i>To undergo rigorous imprisonment for one month and to pay fine of Rs. 500/-. In default thereof, he shall further undergo rigorous imprisonment for seven days.</i>

All the sentences were directed to run concurrently.

In the appeal preferred by the present petitioner, learned Additional Sessions Judge, Sangrur vide its judgment dated 17.8.2017 maintained the conviction of the petitioner under the aforesaid Sections but released him on probation under the provisions of Probation of Offenders Act, 1958 for a period of one year on furnishing probation bonds in the sum of Rs. 25,000/- with one surety in the like amount. Petitioner was also directed to pay compensation to the tune of Rs. 35,000/- to victim/injured Gulshan Lal. It was further ordered that in case of non compliance regarding furnishing of probation bonds/surety bonds or the payment of the aforesaid amount of compensation to the victim, the appeal should be deemed to have been dismissed and the petitioner shall undergo sentence awarded by the trial Court.

Petitioner failed to deposit the compensation and also failed to furnish probation bonds/surety bonds. Hence, the sentence awarded by the trial Court vide order dated 10.3.2015 is operative.

The short prayer made by learned counsel for the petitioner is that petitioner is in custody for the last 9 months and 18 days which with remission comes to 11 months and 3 days. The prayer is for taking a lenient view in the sentence awarded to the petitioner.

Considering all the injuries suffered by the injured-Gulshan Lal which shows that there were three fractures on the right forearm and also considering the fact that petitioner is a poor person and committed the crime for the first time, the substantive sentence of rigorous imprisonment for 3 years awarded to the petitioner under Section 325 of the Indian Penal Code is reduced to rigorous imprisonment of two years whereas sentence of fine is maintained.

The sentence awarded under Sections 323 and 341 of the Indian Penal Code is also maintained.

With the above modification, application seeking suspension of sentence and revision stands dismissed.

(KULDIP SINGH)
JUDGE

7.6.2018
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Whether speaking / reasoned
Whether Reportable:

Yes
No