

In the High Court of Punjab and Haryana at Chandigarh

213

CRR-1747-2008 (O & M)

Date of Decision: September 16, 2019

VICKY KUMAR @ BUGAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Amritpal Singh Gill, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Sections 324 and 326 IPC and sentenced to undergo imprisonment for a period of three years.

Learned counsel for the petitioner contends that the FIR is outcome of sudden quarrel between the parties and all the injuries are on the non-vital parts of the body of the complainant. He further contends that the injury for which offence under Section 326 IPC has been invoked is on the right hand of the complainant and the doctor is alleged to have opined that there was a cut in the tendon but the doctor in consultation with whom this opinion has been tendered, was not examined in the trial. The complainant has fully recovered from the injuries. He also contends that the incident took place in the year 1999 and the petitioner is facing criminal proceedings ever since. He also contends that he is not challenging the conviction of the petitioner and would confine his prayer in this petition to the reduction in the quantum of

sentence to the period already undergone. He further contends that the petitioner has undergone sentence of about six months out of the total sentence of three years. He also states that the petitioner after his release on bail on 03.02.2009, is not involved in any other untoward incident.

Learned State counsel has filed the custody certificate dated 20.12.2008 which is taken on record. It indicates that the petitioner has undergone total sentence of 04 months and 06 days as on 20.12.2008.

Heard.

The petitioner had been convicted under Sections 324 and 326 IPC and sentenced to undergo imprisonment for a period of three years by the trial Court. The FIR is outcome of sudden quarrel between the parties. All the injuries are on the non-vital parts of the body. The petitioner is facing the agony of protracted criminal proceedings for almost 20 years. He is not involved in any other case. The conduct of the petitioner after the date of incident appears to be satisfactory. The petitioner has undergone sentence of imprisonment of 05 months and 27 days.

It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 16, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No