

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

207

CRR-2283-2008 (O&M)

Date of decision : 16.12.2019

Mukhtiar Singh and another

... Petitioners

Versus

The State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. A.K. Walia, Advocate for the petitioners.

Mr. N.K. Banka, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioners have challenged the judgments and orders of the Courts below whereby they have been convicted under Sections 326, 452 and 324/34 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for three years and to pay a fine of ₹ 2,500/- each.

Learned counsel for the petitioners contends that the incident is of the year 1997. Petitioner No.1 was 65 years of age at the time of occurrence and petitioner No.2 was about 30 years of age. He further contends that he is not challenging the conviction and would confine his arguments to the reduction in the quantum of sentence to the period already undergone by the petitioners as they have undergone total sentence of one year out of the sentence of three years. He also contends that only one of the injuries which was on the jaw of the injured, namely, Hakam Singh was found to be grievous in nature and other injuries were found to be simple in nature. He, however, contends that there is no X-Ray with regard to the injury on the jaw of the injured-Hakam Singh but this injury had been declared as grievous in

village and they have been residing amicably. The sentence of the petitioners had been suspended by the Coordinate Bench of this Court on 20.02.2009 and there has been no untoward incident thereafter. The petitioners are not involved in any other case and the injured has fully recovered from the injuries.

Learned State counsel has filed custody certificate in Court, which indicates that the petitioners have undergone total sentence of one year out of the sentence of three years.

Heard.

The incident took place in the year 1997. Petitioner No.1 was about 65 years of age at the time of occurrence and now, he would be in his late 80's. The petitioners are facing protracted criminal proceedings for over 22 years. The petitioners are not involved in any untoward incident after their sentence had been suspended by a Coordinate Bench of this Court on 20.02.2009. The injuries except one, were found to be simple in nature. The injured has fully recovered from the injuries. The petitioners have undergone total sentence of one year out of the sentence of three years. It would, thus, be in the interest of justice if the sentence of the petitioners is reduced to the period already undergone. While maintaining their conviction under Sections 326, 452 and 324/34 IPC, the sentence of the petitioners is reduced to the period already undergone.

With the above modification, the revision petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

December 16, 2019

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