

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

Sr. No.219

CRR No.3881 of 2018 (O&M)
DECIDED ON: December 07, 2019

RANDHIR SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner in this revision petition is Randhir Singh s/o Gurdial Singh, who has been convicted for offence under Sections 326, 323/34 IPC vide judgment dated 03.05.2016 and has been sentenced as follows:-

U/s	RI	Fine (₹)	In default
326 IPC	03 years	1000/-	04 months
323/34 IPC	06 months	500/-	01 month

2. His appeal against conviction was dismissed vide judgment dated 17.09.2018 but the sentence under Section 326 IPC was reduced to RI for 02 years and there was no change in the fine amount imposed by the trial Court.

3. Learned counsel for the petitioner has confined his prayer to reduction of the sentence of petitioner to the period already undergone by him. He submits that the petitioner has undergone almost 01 year and 06 months of his sentence and that he does not have any criminal antecedents.

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The present case was registered on account of a family dispute.

4. Custody certificate dated 07.12.2019 prepared by Sh. Balkar Singh, Superintendent, Central Jail, Gurdaspur has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone the sentence of 01 year, 05 months and 04 days inclusive of remission. There is no other criminal case pending/decided against the petitioner. One other case under Section 138 of Negotiable Instruments Act, 1881 (for short 'the Act') is statedly pending against the petitioner.

5. The sentence of the petitioner under Section 326 IPC was reduced by the Appellate Court from 03 years to 02 years. Presently, the petitioner has undergone the sentence of 01 year, 05 months and 04 days and there is no other criminal case pending/decided against him. A complaint under Section 138 of the Act is quasi criminal in nature. The petitioner has maintained a good conduct during the course of his custody and there is no complaint against him. Thus, the interest of justice would be adequately served if his sentence is reduced to the period already undergone.

6. The revision petition against conviction is accordingly dismissed. The sentence is, however, modified to the period already undergone by him. The petitioner be released from custody forthwith, in case, he is not required in any other case.

December 07, 2019

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No