

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

123

CRR-1611 of 2019 (O&M)
Date of decision:22.10.2019

Assa Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.R.K.Dadwal, Advocate,
for the petitioner
Mr.B.S.Sewak, Addl.AG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner has challenged the judgments passed by the trial Court, as also the appellate Court, convicting him for the commission of offences punishable under Sections 325, 323 (substantively), as also under Sections 323 read with Section 34 of the IPC, thereafter sentencing him to terms of imprisonment for 3 years, 1 year and 1 year respectively, in addition to imposition of fines of Rs.5,000/-, Rs.1,000/- and Rs.1,000/- respectively.

At the time when notice of motion was issued on 18.7.2019, it was issued restricted only to the question of quantum of sentence imposed upon the petitioner.

Learned counsel for the petitioner submits that the petitioner is 65 years old, with the person to whom the blow is attributed, as is shown to have resulted in a fracture of the arm of the complainant, having died, i.e. the brother of the petitioner (Rattan Chand).

He further submits that there is no other criminal case registered against the petitioner.

Mr.Sewak, learned Addl.AG, Punjab, while admitting, on the basis of the custody certificate on record, that there is no other criminal case shown to be registered against the petitioner and that he is about 65 years of age, however submits that the victim, i.e. the complainant, being the sister-in-law of the petitioner, she deserves at least some compensation in respect of the injuries even caused by the petitioner alone, if the sentence of the petitioner is to be reduced by this Court for any reason.

Having considered the aforesaid contention, it is seen that the petitioner was attributed 3 injuries on the complainant as follows:-

- “2. Reddish blue contusion measuring 2.5x1.5 cm on the lateral side of left knee
3. Complaining of pain in the right elbow joint.
4. Reddish contusion measuring 3.5x1.0 cm on the left side of upper abdomen.”

The first injury, i.e. of a pain on the left hand, which on X-Ray was found to be a fracture, is attributed to the late brother of the petitioner, i.e. Rattan Chand, who was alleged to have hit the complainant with an iron rod.

Considering the age of the petitioner but also considering the fact that he injured his own sister-in-law in the aforesaid manner, even at his age, but seeing that there is no other criminal case shown to have been registered against him, this petition is allowed to the extent that the sentences imposed upon the petitioner in respect of all three offences that he

has been convicted for, is reduced to 6 months in each case , with all three sentences to run concurrently, while maintaining his conviction in respect of each the offences, also maintaining the fine imposed by the trial Court in respect of each offence.

In addition, prior to release, the petitioner would arrange for Rs.30,000/- to be paid by way of compensation to the complainant, i.e. Malkiat Kaur, with such amount to be deposited in the Court of the learned CJM/Duty Magistrate, Hoshiarpur.

Upon such deposit and upon payment of the fine imposed in respect of each offence, he shall be released from jail after he completes 6 months of actual imprisonment, with necessary release orders/warrants to be issued in that regard at that stage.

22.10.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No