

CRR-2768-2018 (O&M) &

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

CRR-2768-2018 (O&M)

Date of decision :- February 5, 2020

Sanjeev Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ruhani Chadha, Advocate for
Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Accused Sanjeev Kumar faced trial in F.I.R. No.03 dated 04.01.2012, under Sections 324, 325 and 326 of Indian Penal Code (hereinafter referred to as 'IPC'), registered with Police Station Sri Anandpur Sahib, on the allegations that on 31st December, 2011 at about 10:15/10:30 P.M. in the area of Mohalla VIP Road, Sri Anandpur Sahib, he voluntarily caused grievous and simple injuries to complainant Jaspreet Singh by means of Kirch, which is pointed as sharp edged weapon. He was arrested in this case and on completion of investigation, challan was presented against him.

On conclusion of the trial, Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, had convicted the petitioner vide judgment dated 24.01.2018 for offences under Sections 324, 325 and 326 IPC and vide order of the even date, sentenced him to undergo rigorous imprisonment for

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a period of one year under Section 324 IPC, rigorous imprisonment for two years and to pay a fine of Rs.1000/- under Section 325 IPC and in default of payment of fine to undergo further rigorous imprisonment for a period of 15 days, rigorous imprisonment for three years and to pay a fine of Rs.2000/- under Section 326 IPC and in default of payment of fine to undergo further rigorous imprisonment for a period of 30 days

Feeling aggrieved by the judgment of his conviction and sentence, he had preferred an appeal before the Sessions Judge, Rupnagar, which was decided on 26.07.2018 by acquitting him under Section 326 IPC and upholding the conviction under Sections 324 and 325 IPC. He was taken into custody on that very day.

The accused-convict has approached this Court by way of filing the present revision petition, notice of which was given to the State and learned Deputy Advocate General, Punjab representing the State of Punjab is opposing the revision petition.

I have heard learned counsel for the revisionist and learned State counsel besides going through the record.

Learned counsel for the revisionist - accused, at the very outset has stated that he does not challenge the judgments passed by the Courts below with regard to conviction and sentence of the accused. However, he has made submissions with regard to the sentence part. He submits that accused – Sanjeev Kumar is aged about 35 years. He is a poor person and only earning member of his family. He does not have any previous criminal record and as per the custody certificate furnished by the State counsel, he

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has already undergone total sentence of one year, eight months and twenty nine days out of substantive sentence of two years imposed upon him. He is not a previous convict. Though, as per custody certificate, he is shown to be involved in another criminal case but he is stated to be on bail and that case is still at the stage of trial.

Considering the facts and circumstances of the case, I am of the considered view that ends of justice shall be adequately met if the sentence of the revisionist – accused is reduced to one already undergone by him in this case while keeping the fine part intact. Therefore, the instant revision petition is allowed partly in as much as it is dismissed as regards the conviction part, however with regard to the sentence part, the sentence is reduced as detailed above. Petitioner be released forthwith if not required, if any other case.

(H.S. MADAAN)
JUDGE

February 5, 2020
Nisha

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