

CRR-96-2022 (O&M)
Decided on : 16.02.2023

..... Petitioner

..... Respondent

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab.

CRM-6899-2023

After hearing learned counsel for the applicant, application is allowed and the main case is taken up on Board for hearing today itself.

Instant revision petition has been preferred against the judgment dated 10.08.2021 passed by Chief Judicial Magistrate, Moga vide which the accused-petitioner was convicted under Sections 323 and 325 IPC and sentenced as under:

<i>Sr. No.</i>	<i>Under Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default</i>
1	325 IPC	Rigorous imprisonment (RI) for two years	Rs.500/-	RI for one month

<i>Sr. No.</i>	<i>Under Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default</i>
2	323 r/w 34 IPC	RI for six months	Rs.500/-	RI for one month

The Appellate Court vide judgment 01.11.2021 affirmed the order of conviction passed by the trial Court.

Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel submits that the occurrence in question pertains to the year 2016 and the petitioner has thus, suffered the agony of criminal proceedings for the last 07 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view may be taken and the quantum of sentence awarded to the petitioner by the trial Court be reduced to already undergone as no useful purpose would be served by sending the petitioner behind bars.

The custody certificate, which has been filed by the State counsel today in Court, does not reflect the involvement of the petitioner in any other criminal case.

Heard learned counsel for the parties and perused the relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the submissions made by counsel for the petitioner, this Court is of the

considered view that ends of justice would be met, if while maintaining the conviction of the petitioner his substantive sentence of two years is reduced to the sentence already undergone by him in the present case. The amount of fine of Rs.500/- each awarded under Section 325 IPC imposed upon the petitioner by the trial Court is enhanced to Rs.10,000/-. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioner and he will be required to undergo the remaining part of the sentence awarded to him. On deposit of fine, the enhanced amount of fine shall be disbursed to the injured against proper receipt and identification.

With this modification, the present petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

16.02.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No