

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1196 of 2007
Date of decision: 8th August, 2023

Karnail Singh
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karambir S. Kahlon, Advocate for the petitioner.
Mr. Subhash Godara, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner has filed the instant revision petition to challenge the order dated 05.07.2007 passed by learned Addl. Sessions Judge, Hoshiarpur whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 21.12.2006 passed by learned Chief Judicial Magistrate, Hoshiarpur, was dismissed.
2. Vide judgment dated 21.12.2006, learned Chief Judicial Magistrate, Hoshiarpur, convicted and sentenced the petitioner as under:-

u/s 326 IPC	To undergo RI for two years and to pay a fine of ₹ 500/-, in default of payment of fine to further undergo RI for three months.
u/s 324 IPC	To undergo RI for one year and to pay a fine of ₹ 300/- and in default of payment of fine to further undergo RI

	for two months.
u/s 323 IPC	To undergo RI for six months and to pay a fine of ₹ 200/- and in default of payment of fine to further undergo RI for 15 days.

All the sentences were ordered to run concurrently.

3. However, vide judgment dated 05.07.2007, learned Addl. Sessions Judge, Hoshiarpur while dismissing the appeal, modified the sentence awarded to the petitioner under Section 326 IPC from two years RI to one and a half year RI, with no change in the fine clause or the sentence awarded under Sections 324 and 323 IPC.

4. The case as set up by the prosecution may be noticed as thus:

The FIR in question was registered on the basis of a statement made by injured on 13.06.2000 at Civil Hospital, Tanda, after the doctor declared him fit. He stated that on 12.06.2000 at around 8:30 p.m. while he was lying on a cot near the motor room in his fields, all of a sudden the accused/petitioner came and started abusing him. Thereafter, he picked up a Kassi (spade) and gave blows with it on the head, mouth, eyebrows etc. of the complainant. On a hue and cry raised, the accused ran away from the spot, leaving the complainant unconscious.

5. I have perused the impugned judgments passed by Courts below and do not find any illegality much less perversity in them.

6. 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 quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 2000 and the petitioner has thus, suffered the agony of a protracted trial for the last more than 22 years. Learned counsel further submits that the petitioner has been leading a disciplined life ever since then and it is a matter of record that he has not been involved in any other criminal case thereafter. A prayer has, therefore, been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the Court below be reduced to the period already undergone as no useful purpose would be served by sending the petitioner behind bars.

7. I have heard learned counsel for the parties and perused the relevant material available on record.

8. 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.

9. Keeping in view the facts and circumstances of the case as well as the submissions made by learned 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 one and a half year is reduced to the period of sentence

already undergone by him in the present case. There shall be no modification with regard to sentence of fine.

10. With these modifications, the instant revision petition is disposed off.

(MANJARI NEHRU KAUL)
JUDGE

August 8, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No