

328 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:061411
CRR-288-2009

Date of Decision: April 29, 2023

Amandeep Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the petitioners.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Custody certificate of the petitioners have been placed on file by learned State counsel.

Counsel for the petitioners has been duly informed through e-mail, as reported by the Registry, but there is no representation.

Paper book has been perused. It is revealed that in case FIR No.94, dated 12.10.2000, registered at Police Station Sherpur, under Sections 452, 324, 324/34 IPC, petitioner Amandeep Singh was convicted for committing offences under Section 324 and 452 IPC, whereas petitioner Mohan Singh and another co-accused, namely Surinder Kaur were convicted for committing offences under Sections 323 and 452 IPC, vide judgment dated 22.07.2003 passed by learned Judicial Magistrate 1st Class, Dhuri. They were sentenced as under:-

	Offence u/s	Imprisonment	Fine	In default of fine
Amandeep Singh	324 IPC	R.I. 6 months	₹750/-	7 days
	452 IPC	R.I. 1 year	₹500/-	7 days
Mohan Singh	323 IPC	3 months	₹750/-	7 days
	452 IPC	1 year	₹500/-	7 dyas
Surinder Kaur	323 IPC	3 months	₹750/-	7 days
	452 IPC	1 year	₹500/-	7 dyas

All the substantive sentences were directed to run concurrently.

All the three convicts filed appeal before the Court of Sessions. Vide judgment dated 24.01.2009, accused Surinder Kaur was acquitted of all the charges. The two petitioners Amandeep Singh and Mohan Singh were also acquitted of the charge under Section 452 IPC. However, conviction of petitioner Amandeep Singh under Section 324 IPC and sentence awarded to him; and conviction of petitioner Mohan Singh under Section 323 and sentence awarded to him were maintained.

Against the said judgment dated 24.02.2009 passed by learned Addl. Sessions Judge, Sangrur, this revision was filed.

After going through the impugned judgment passed by the Appellate Court, I find that same is based on proper appreciation of evidence. I do not find any illegality, infirmity or irregularity therein and therefore, conviction of both the petitioners Amandeep Singh and Mohan Singh is hereby maintained. However, as far as quantum of sentence is concerned, it is noticed that occurrence had taken place in October, 2000, i.e. more than 22 year back. Petitioner Amandeep Singh has already undergone actual sentence of 1 month and 12 days, whereas petitioner Mohan Singh has already undergone actual sentence of 1 month and 11 days, as per custody certificates placed on record.

Having regard to the long period, which has elapsed in the meantime, it will not be in the interest of justice to send the petitioners behind bars after such long time. It is considered that period of custody already undergone by both the petitioners is sufficient to meet the ends of justice. Therefore, order dated 24.01.2009 passed by learned Addl. Sessions Judge, Sangrur, is modified qua sentence. It is ordered that both

the petitioners are sentenced to imprisonment for the period already undergone by them.

With the aforesaid modification, the present petition is disposed of.

April 29, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No