

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

**336**

**CRR-2969-2011**

**Date of decision: 14.02.2023**

Sukhcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. N.S. Dandiwal, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner has filed the instant revision petition to impugn the order dated 08.11.2011 passed by learned Additional Sessions Judge, Moga whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 20.02.2009 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Moga, was dismissed.

Vide judgment dated 20.02.2009 learned Judicial Magistrate 1<sup>st</sup> Class, Moga, convicted and sentenced the petitioner as under:-

| Offence(s) | Period of sentence(s) | Fine imposed | Period of sentence in default of payment of fine |
|------------|-----------------------|--------------|--------------------------------------------------|
| 279 IPC    | RI for 06 months      | -            | -                                                |
| 304-A IPC  | RI for 01 year        | Rs.500/-     | RI for 01 month                                  |

Both the sentences were ordered to be run concurrently.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the impugned judgment of conviction and order of sentence.

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 1999 and the petitioner has thus, suffered the agony of protracted trial for more than 20 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 be taken and the quantum of sentence awarded to the petitioner by the Trial Court be reduced to the period 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 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 01 year is reduced to the period of sentence already undergone by him in the present case.

However, fine imposed on the petitioner is enhanced from

Rs.500/- to Rs.30,000/-. 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.

With the aforesaid modifications, the instant revision petition is disposed of.

14.02.2023

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |