

237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1364-2017
Decided on : 25.01.2023

Milakh Singh @ Mattu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been preferred against the judgment dated 29.03.2016 passed by JMIC, Fazilka vide which the accused-petitioner was convicted under Sections 279 and 337 IPC and sentenced to undergo rigorous imprisonment for a period of six months alongwith payment of fine of Rs.500/- under Section 279 IPC and sentenced to undergo rigorous imprisonment for a period of six months alongwith payment of fine of Rs.500/- under Section 337 IPC. In default of payment of fine, petitioner was ordered to undergo rigorous imprisonment for a period of one month. The order of conviction was affirmed by the Appellate Court vide judgment dated 06.03.2017.

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 2013 and the petitioner has thus, suffered the agony of trial for the last 09 years. Learned counsel further submits that the petitioner was released on bail after his arrest and it was a matter of record that during the preceding 09 years, he has not been involved in any other criminal case much less a case of similar nature. It has also been submitted that during the preceding years, the petitioner has been fastened with many responsibilities. 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 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 six months is reduced to the sentence already undergone by him in the present case. The amount of fine Rs.500/- awarded under Sections 279 IPC imposed upon the petitioner by the trial Court is enhanced to Rs.1,000/-. 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 these modifications, the present petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

25.01.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No