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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-697-2003
Reserved on: 14.08.2024
Date of decision: 23.08.2024

JAGTAR SINGH ...Petitioner

Versus

SATNAM SINGH AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Shruti Sharma, Advocate (legal aid counsel)
for the petitioner.

Mr. Ankur Mittal, Advocate (legal aid counsel) with
Mr. Pradeep Prakash Chahar, Advocate
Ms. Kushaldeep Kaur, Advocate
for the respondents.

SURESHWAR THAKUR, J.

1. The instant revision is directed by the petitioner, whereby he has asked for enhancement of the substantive sentence(s) of imprisonment, besides enhancement of the sentence(s) of fine, as became imposed, upon the convicts- Satnam Singh, Jaskaran Singh, Kamaldip Singh and Raghbir Singh alias Lakhbir Singh, by the learned Convicting Court concerned. The petitioner also prays that adequate compensation be awarded in his favour and other injured persons.

2. The learned Additional Sessions Judge, (Adhoc), Fast Track Court, Hoshiarpur, through a verdict drawn on 21.01.2003, upon case bearing S.C. No. 46/FTC/2000/2002, thereby recorded a finding of conviction against accused, for the commission of offences punishable, under Section(s) 307/34, 326/34, 324/34

and 323/34 of the IPC. Moreover, through a separate sentencing order of even

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date, the learned trial Judge concerned, imposed upon the convicts (supra), sentence(s) of imprisonment as well as of fine, but in the hereinafter extracted manner:-

Under Section 307 read with 34 IPC	RI for Five years each and to pay a fine of Rs. 1000/- each or in default of payment of fine to further undergo R.I. For one month each.
Under Section 326 read with 34 IPC	RI for Five years each and to pay a fine of Rs. 1000/- each or in default of payment of fine to further undergo R.I. For one month each.
Under Section 324 read with 34 IPC	R.I. For one year each.
Under Section 323 read with 34 IPC	R.I. For six month each.

3. The above imposed sentence(s) of imprisonment, were ordered to run concurrently.

4. Since no appeal has been filed by the convicts for setting aside the afore verdict of conviction, thereby the finding of conviction recorded qua the charges framed against the accused, is to be upheld, as the said verdict acquires binding and conclusive effect.

5. However, this Court is required to be determining the validity of the prayer made in the instant petition, instituted at the instance of complainant/petitioner Jagtar Singh, whereby the complainant/petitioner seeks enhancement of the term of substantive sentence of imprisonment (supra), as became imposed upon the convicts, rather to theirs becoming sentenced to life imprisonment.

5. Though, in terms of Section 307 of the IPC, the learned trial Judge has a discretion to, in respect of an offence punishable under Section 307 of the

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IPC, impose the substantive sentence of imprisonment rather extending upto life imprisonment. However, even the extantly imposed substantive sentence of imprisonment, upon the convicts, qua their facing rigorous imprisonment for a term of five years, does in the factual matrix prevailing in the instant case, appear to both just and reasonable, and, the same does not require any interference. The reason being that it balances the incriminatory role of the convict with the pain caused to the victim, in sequel to the penal occurrence perpetrated, thus upon the victim. In other words, since both penology and victimology becomes well subserved by the imposition of the extant substantive sentence(s) of imprisonment, upon the convict, therebys also, this Court does not find any occasion to enhance the above imposed substantive sentence(s) of imprisonment vis-a-vis the convicts, thus to the substantive sentence of life imprisonment, rather becoming imposed upon the convicts.

6. Moreover since the accused have suffered the agony of an enlongated trial commencing from the registration of the petition/FIR, in the year 2000, till a decision being made upon the instant petition, thereupon too, the ends of justice would be secured, in case the impugned substantive sentence(s) of imprisonment are upheld.

7. In-so-far as sentence(s) of fine are concerned, the same are respectively comprised in a sum of Rs. 1,000/- for an offence punishable under Section 307 IPC and in a sum of Rs. 1000/- for an offence punishable under Section 326 IPC. Therefore the interest of justice would be met, upon the sentence(s) of fine, being respectively modified in a sum of Rs.20,000/- each, on

Counts (supra). However, in default of payment of fine, the convicts (supra) shall

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undergo rigorous imprisonment for three months each, on both counts. On the said fine amount becoming forthwith deposited by the convict(s), thereupon, the same shall be disbursed as compensation to the injured-victims.

8. Consequently, in the above terms, the instant revision petition is partly allowed, and, also in the above terms, the sentence of fine, as imposed, upon the convicts (supra), on both counts (supra), is also thus modified.

(SURESHWAR THAKUR)
JUDGE

23.08.2024
kavneet singh

(SUDEEPTI SHARMA)
JUDGE

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