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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-3647-2018(O&M)
Date of Decision:10.04.2024

PARAMJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Subham Chandel, Advocate for
Mr. S.K.Singla, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Mahipal S.Yadav, Advocate for
the complainant-respondent No.2.

SANJIV BERRY, J.(ORAL)

By way of the present Revision, petitioner has sought quashing of order dated 01.09.2018 passed by ld. Additional Sessions Judge, Sangrur and judgment of conviction and order of sentence dated 01.06.2017 passed by learned Sub- Divisional Judicial Magistrate Malerkotla, in FIR No.98 dated 03.09.2014, under Sections 326, 420, 120-B, 201 IPC, Police Station City-1, Malerkotla, vide which petitioner was convicted and sentenced to undergo imprisonment as under:-

Name of the Convict	Section	Imprisonment
Paramjit Singh	326 IPC	To undergo rigorous imprisonment for a period of two years and to pay fine of ₹10,000/-.
	201 IPC	To undergo rigorous imprisonment for a period of six months

2. Brief facts of the case are that the present case was registered on the complaint made by Som Nath, wherein it is stated that on 19.08.2014 at about 8:00 PM Paramjit Singh in drunkard condition came to the house of his father and used opprobrious language, on hearing, he went to the house of father and altercation took place between them. When complainant tried to rescue his father Paramjit Singh gave iron pipe blow on the person of complainant which landed on his right eye and blood started oozing. On hearing hue and cry Paramjit Singh fled away from the spot and injured were taken to the hospital as such FIR was registered and after completion of investigation challan was presented in Court. The prosecution adduced evidence and after conclusion of trial the learned trial Court by hearing the arguments passed the judgment of conviction and sentence dated 01.06.2017. The petitioner challenged the said judgment and order of conviction and sentence dated 01.06.2017 in the Court of Ld. Additional Sessions Judge, Sangrur. The learned Sessions Court, however dismissed the same with modification vide the impugned judgment dated 01.09.2018 by modifying the sentence under Section 326 IPC to one and half year, which has been assailed by the petitioner in the present revision petition.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is having no criminal antecedents and has already undergone sentence for a period of 9 months and 23 days out of total sentence of 2 years awarded by the learned trial Court. He submits that for the purpose of this petition he is only praying to consider the period already undergone by the petitioner in custody keeping in view the fact that the

petitioner is not previous offender and even no criminal case is pending against him coupled with the fact that the matter has been amicably settled vide compromise dated 18.10.2018 (Annexure P1) wherein the complainant had pleaded no objection if the petitioner is considered for sentence to the period already undergone by him. He contends that at this stage he does not challenge the impugned judgment on merits but on the aforesaid limited aspect.

4. Per contra, learned State counsel has submitted that the petitioner has rightly been convicted vide impugned judgment dated 01.06.2017 and the judgment does not suffer any infirmity, however, he admitted that the petitioner is not having any criminal antecedents.

5. After considering the respective arguments and perusing the record and keeping in view the specific contentions of the learned counsel for the petitioner, it is observed that the petitioner has not challenged the impugned judgment in question on merits. Even otherwise from the perusal of the impugned judgment dated 01.06.2017 it transpires that the judgment of conviction is based on correct appreciation of evidence and does not suffer from any infirmity so as to call for any interference therein. Accordingly the impugned judgment of conviction and sentence dated 01.06.2017, affirmed with modification by learned Sessions Judge vide judgment dated 01.09.2018 stands affirmed suffering no illegality or infirmity. However, as regards the question of sentence is concerned, admittedly the petitioner was awarded sentence of 2 years by the learned trial Court which was affirmed with modification in appeal too. As per the custody certificate he has already undergone sentence of 9 months and 23

days. There is no criminal case registered or pending against the petitioner moreover the aggrieved party has no objection, if the sentence of petitioner is reduced to the period undergone by him. No minimum period of sentence is prescribed for the said offences, therefore, considering the circumstances it is deemed appropriate and in the interest of justice that the order of conviction and sentence dated 01.06.2017 passed by learned Sub-Divisional Judicial Magistrate Malerkotla and order dated 01.09.2018 passed by learned Additional Sessions Judge, Sangrur are modified, and the sentence of the petitioner for having committed offences punishable under Section 326 and Section 201 IPC is modified to the period already undergone by him in custody i.e. 9 months and 23 days as per custody certificate dated 09.04.2024.

6. Accordingly the revision petition is disposed of in the above terms.
7. Pending miscellaneous application(s), if any, stands disposed of.

10.04.2024

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i) Whether speaking/reasoned?

ii) Whether reportable?

(SANJIV BERRY)

JUDGE

Yes/No

Yes/No