



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

201

CRR No.885 of 2008 (O&M)

Date of Decision:11.02.2026

Charat Singh and another

.....Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. H.S.Kathuria, Advocate for the petitioners.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 326, 324 and 34 of the Indian Penal Code, the FIR No.67 dated 15.08.1999 was lodged in Police Station Raman. Once the FIR was lodged, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the petitioners were sent to the Court of learned Sub Divisional Judicial Magistrate, Talwandi Sabo, hereinafter being referred to as 'trial Court' only, to face the trial.

2. The petitioners participated in the above mentioned trial, which by virtue of judgment dated 19.12.2006 culminated into their conviction for the offence punishable under Sections 323, 324 and 34 IPC. Thus, by virtue of order on quantum of sentence, dated 21.12.2006, the petitioners were awarded sentences as under:-



Sr. No.	Under Section	Imprisonment of both accused
1.	323/34 of IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.1000/- in default of payment of fine they shall undergo simple imprisonment for one month.
2.	324/34 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.2000/- in default of payment of fine they shall undergo simple imprisonment for two months.

3. Aggrieved of the above mentioned judgment of conviction and order of sentence, the petitioners preferred an appeal in the Court of Sessions. The above mentioned appeal has been decided by the Court of learned Additional Sessions Judge, Bathinda, hereinafter being referred to as 'Appellate Court'. The appeal, preferred by the petitioners, was dismissed by the learned Appellate Court, vide order dated 05.04.2008.

4. Feeling aggrieved of the judgment of conviction dated 19.12.2006 and order of sentence dated 21.12.2006, passed by the learned trial Court, and the judgment dated 05.04.2008, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioners.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Gurjant Singh', who had stated that on 14.08.1999 at about 06.45 A.M. when he and his wife, 'Hardip Kaur', were going towards village pond, with their buffaloes, their buffaloes embattled with buffalo of complainant which was purchased by the complainant 15 days ago only. As per complainant, in the wake of above incident, 'Charat Singh' armed with soti (wooden handle) and 'Suba Singh', 'Bhura' and 'Piara Singh'



armed with gandasa, inflicted injuries on his person near the pond.

6. It is the case of the prosecution that in view of abovementioned complaint formal FIR in this case was lodged, and the investigation taken up. As per prosecution during the course of investigation, when all the necessary formalities were complete and the entire evidence stood collected, the final report under Section 173 of Cr.P.C. was filed before the learned trial Court.

7. Heard.

8. It has been contended on behalf of petitioners that the impugned judgment of conviction and order of sentence deserve to be set aside being an outcome of non-application of judicial mind. According to learned counsel for the petitioners, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate the fact and evidence as per the standard required under the law.

9. As per learned counsel for the petitioners, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioners guilty and that despite the fact that the deficiencies in prosecution case were pointed out, the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court and the appeal has been dismissed.

10. However, during the course of arguments, the learned counsel for the petitioners has contended that in the instant revision petition, the petitioners are not inclined to challenge the findings of conviction recorded by the learned trial Court, duly affirmed by the learned Appellate Court. The learned counsel for the petitioners has categorically contended that at this stage, by virtue of



present petition, the petitioners are only challenging the order on the quantum of sentence.

11. It has been further contended by learned counsel for the petitioners that the incident had taken place way back in the year 1999, and that on completion of trial, when the petitioners were convicted, they preferred an appeal before the learned Appellate Court, which was decided in the year 2008, and thereafter, the present revision petition has been filed. According to learned counsel for the petitioners, the petitioners are facing the agony of litigation for the last more than 26 years and has, in fact, already suffered more punishment than they deserved. It has been submitted on behalf of petitioners that the offence in question was the first offence committed by the petitioners, and that even after the offence, related to present revision petition, the petitioners have not been prosecuted for any other offence.

12. In addition to above, the learned counsel for the petitioners has also argued that in the present case, the petitioners have already served a sentence for a period of 01 month and 29 days (including remission), and that by treating the above-discussed factors, the sentence already undergone by the petitioners may be treated to be the sufficient sentence.

13. *Per contra*, the learned State Counsel has argued that the petitioners have been found guilty for the commission of offence punishable under Sections 323 and 324/34 IPC. According to learned State Counsel, the sentence awarded to the petitioners, i.e. imprisonment for a period of one year, is already on lower side, and that the petitioners are not entitled for a sentence of imprisonment for a period of less than one year. As per learned State



Counsel, the instant revision petition has no merit and deserves dismissal.

14. The record has been perused carefully.

15. Once it is a categorical stand of the petitioners that they are not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference or indulgence in the finding recorded by the learned trial Court, with regard to conviction of petitioners under Sections 323 and 324/34 IPC. Accordingly, the abovementioned finding is hereby affirmed.

16. As far as the order on quantum of sentence is concerned, in view of the fact that the petitioners are first time offenders, and that after the present prosecution, they have not been prosecuted by the police for any other case, it is hereby held that the petitioners are entitled for a lenient view. In view of above, it is apparent that the sentence awarded to the petitioners, i.e. imprisonment for a period of 01 year, is harsh. Thus, it is hereby held that with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

17. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration:-

(a) that the incident in question had taken place about 26 years ago;

(b) that the petitioners are facing the agony of protracted trial for the last 26 years; and



(c) that there is nothing on record to show that the petitioners have been involved in any other criminal case.

18. In view of cumulative effect of abovementioned observations, it is hereby held that in the present case the petitioners are entitled for a considerate view, and that the sentence, which they have already undergone in the present case, i.e. 01 month and 29 days, is adequate to meet the ends of justice.

19. As a sequel to the aforesaid discussions, the present revision petition is hereby partly allowed. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioners is reduced to the period already undergone by them. The present revision petition stands partly allowed, accordingly.

20. Pending miscellaneous application(s), if any, stand(s) disposed of.

(SURYA PARTAP SINGH)
JUDGE

11.02.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No