
(1998) 12 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Criminal Revision No. 1121 of 1997

Joginder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 04-12-1998

Acts Referred:

Citation : (1999) 1 AICLR 217 : (1999) 2 RCR(Criminal) 116

Hon'ble Judges : R.L.Anand, J

Advocate : P.S. Bhullar, Randhir Singh, Bhagwan Singh, Advocates for appearing Parties

Judgement

R.L. Anand, J.

1. Shri Joginder Singh and Sukhdev Singh have filed the present revision and it has been directed against the judgment and order dated 24.10.1997 passed by the Court of Addl. Sessions Judge, Ferozepur, who not only maintained the order of conviction dated 29.4.1995 passed by the Court of Judicial Magistrate Ist Class, Zira but also while exercising the power in revision enhanced the sentence of the petitioners. I need not incorporate the detailed facts of this case because I am disposing of this revision on a short legal aspect that the revisional Court had no jurisdiction to enhance the sentence. The sentence could only be enhanced by the High Court on the State appeal which was never filed against the judgment and order of the Magistrate. In these circumstances, the order of Addl. Sessions Judge, Ferozepur enhancing the sentence of the petitioners is hereby set aside. However, the order of the said Addl. Sessions Judge maintaining the conviction of the petitioners is not disturbed. The present revision will be examined only on a limited question with regard to quantum of sentence. The counsel for the petitioners made efforts to convince this Court that the injuries suffered by the injured are on the nonvital parts of the body. But I am not convinced with the submission raised by the counsel for the petitioner keeping in view the number of injuries suffered by the injured in this case. However, I reduce the substantive sentence of the petitioners from one year to nine months under Section 326 IPC

which shall run concurrently with the other sentences awarded to the petitioners by the Magistrate.

With above modification in the matter of sentence, the petition stands disposed of.