
(2006) 01 P&H CK 0213
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 530 of 1991

Lal Singh and Another

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 25-01-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 324, 34

Citation : (2006) 2 RCR(Criminal) 299

Hon'ble Judges : Baldev Singh, J

Bench : Single Bench

Advocate : A.K. Ahluwalia, for the Appellant; Pawan Sharda, Assistant Advocate General, Punjab, for the Respondent

Final Decision : Dismissed

Judgement

Baldev Singh, J.—Sh. D.R. Arora, the then Judicial Magistrate Ist Class, Zira, vide judgment and sentence order, both dated March 17, 1990, convicted Lal Singh and Naginder Singh (petitioners) for the offences punishable under Sections 324 and 326 read with Section 34 of the Indian Penal Code (hereinafter referred to as "the Code") for causing injuries to Mukand Singh. Each of them was sentenced to undergo R.I. for 1-1/2 years and to pay fine of Rs. 800/- and in default of payment of fine to further undergo R.I. for three months u/s 326/34 of the Code. Further, each of them was sentenced to undergo R.I. for six months u/s 324/34 of the Code. Both the sentences were ordered to run concurrently.

2. The petitioners filed appeal against the judgment and sentence order dated March 17, 1990, which was dismissed by Sh. Charanjit Jawa, the then Additional Sessions Judge, Ferozepur, vide judgment dated August 2, 1991. The judgment and the sentence order dated March 17, 1990, passed by the trial Court, were upheld.

3. Feeling aggrieved against the impugned judgments of both the Courts below, the petitioners have filed the present revision petition challenging their conviction

for the offences punishable under Sections 324 and 326 read with Section 34 of the Code and the sentences imposed upon them.

4. The Ld. Counsel for the petitioners has not advanced any arguments on the merits of the case. He pleaded that lenient view be taken regarding sentence.

5. The Ld. Counsel for the petitioners has informed that Naginder Singh, one of the petitioners, died during the pendency of the revision petition, on February 7, 1998. In this regard, he has produced copy of the Death Certificate. Proceedings in respect of Naginder Singh (petitioner), therefore, abate.

6. The record of the case reveals that occurrence in this case took place on June 26, 1986. There was sudden altercation between the petitioners and Mukand Singh (injured). Naginder Singh (deceased petitioner) was armed with a spade and Lal Singh (petitioner) was armed with a "gandasa". They both caused two injuries to Mukand Singh, which are enumerated as under :-

1. An incised wound 8 cm x 1/2 cm on the top of the head on the left side 11 cms above the ear.

Underlying bone was cut. The wound was covered with fresh clotted blood. Wound was antero-posterior in direction.

2. A triangular incised wound on the hypothenar surface of right palm; 1 cm x 1-1/2 cms skin deep covered with fresh clotted blood.

7. Both the injuries were found to have been caused with a sharp-edged weapon. Injury No. 1 was declared grievous while injury No. 2 was declared simple. X-ray examination was not conducted. It was a moot point in the trial Court as well as in the lower appellate Court that injury No. 1 could not be treated as grievous in nature as X-ray examination was not conducted. However, both the Courts below were not swayed with this argument and injury No. 1 was accepted as grievous in nature.

8. The occurrence took place about 19 years back. Lal Singh (petitioner) is first offender. Since then, he has not caused any such occurrence. He has undergone incarceration of total 70 days. He has already deposited Rs. 800/-, the amount of fine. Lal Singh (petitioner) is a family man, has wife and children to support. The sentence already undergone by him would meet the ends of justice.

9. This revision petition is dismissed. Conviction of Lal Singh (petitioner) for the offences punishable under Sections 324 and 326 read with Section 34 of the Code is maintained. However, the sentence of imprisonment is reduced to already undergone. The sentence of fine is enhanced from Rs. 800/- to Rs. 5,000/-. He would deposit the remaining amount of Rs. 4,200/- in the trial Court within a fortnight, failing which he shall undergo R.I. for three months. The total amount of fine of Rs. 5,000/- is ordered to be paid to Mukand Singh (injured) by way of compensation. The impugned sentence order stands modified to this extent.

Petition dismissed.