

(2011) 10 P&H CK 0119

In the Punjab And Haryana At Chandigarh

Case No : Criminal Appeal No. 558 SB of 1998 and Criminal Revision No. 677 of 1999

Nazir Singh and Others

APPELLANT

Vs

State of Punjab
 Darshan Singh Vs State of Punjab and Others

RESPONDENT

Date of Decision : 04-10-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 357
Penal Code, 1860 (IPC) — Section 323, 324, 326, 34

Citation : (2011) 10 P&H CK 0119

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Judgement

Alok Singh, J.—Appellants were found guilty and sentenced to undergo imprisonment vide judgment and order dated 04.07.1998 of learned Additional Sessions Judge, Ludhiana, is as under:

Sr. No.

Name of convicts

Under Section

Sentence

1.

Nazir Singh

326 IPC

Undergo RI for three years and to pay fine of Rs. 1000/

326/34 IPC

Undergo RI for two years and to pay fine of Rs. 500/-.

324/34 IPC

Undergo RI for one year

323/34 IPC

Under RI for six months.

2.

Baljeet Singh

326 IPC

Undergo RI for three years and to pay fine of Rs. 1000/

326/34 IPC

Undergo RI for two years and to pay fine of Rs. 500/-.

324/34 IPC

Undergo RI for one year

323/34 IPC

Under RI for six months.

3.

Bawa Singh

326/34 IPC

Undergo RI for two years and to pay fine of Rs. 500/-.

324/34 IPC

Undergo RI for one year

323 IPC

Under RI for six months.

4.

Harchand Singh

326/34 IPC

Undergo RI for two years and to pay fine of Rs. 500/-.

324/34 IPC

Undergo RI for one year

323 IPC

Under RI for six months.

2. Learned Counsel for the Appellants states that he is not pressing this appeal on merit and is not challenging the conviction of the accused. Learned Counsel has argued that this Court may enhance the compensation/fine and may consider to reduce the sentence for the period already undergone. Learned Counsel for the accused-petitioners agrees to pay Rs. 50,000/- to injured Kartar Singh, Rs. 25,000/- each to injured Mohinder Singh and Darshan Singh as compensation over and above the fine imposed by the learned Trial Court.

3. Mr. Raghbir Chaudhary, Senior Deputy Advocate General, Punjab, states that Appellants are the first time offender and no other criminal case is pending against them. He further submits that Appellant - Nazar Singh has already undergone two months and twenty one days, Appellants - Bawa Singh, Harchand Singh and Baljit Singh have already undergone about 1-1/2 months.

4. Ms. Ritu Punj, Learned Counsel for the complainant states that if handsome compensation is paid to the injured, this Court may consider plea of the Appellants for modification in the period of sentence.

5. I have heard Learned Counsel for the parties and have perused the record.

6. Accused are facing criminal case from 1993 for almost more than 18 years.

7. In the opinion of this Court, no useful purpose would be served by keeping the accused/Appellants in the company of hardcore criminals; they have already faced mental agony; reducing the sentence for the period already undergone and enhancing the fine/compensation to be paid to the injured seems to be best option. Therefore, sentence imposed by the learned Trial Court is reduced for the period already undergone in the present case. However, fine/compensation imposed upon the Appellants is enhanced to Rs. 1,00,000/- (in equal shares) over and above the fine already imposed by the Trial Court, which shall be payable to the injured u/s 357 Code of Criminal Procedure. Out of then enhanced amount of compensation of Rs. 1,00,000/-, Rs. 50,000/- shall be paid to injured Kartar Singh and Rs. 25,000/- each shall be paid to injured Mohinder Singh and Darshan Singh. The Appellants are directed to deposit the above said amount, within one month from today, with the Trial Court. It is made clear that in case enhanced amount of compensation is not deposited, as directed above, this appeal shall be deemed to have been dismissed and in that event, the order of the learned Trial Court shall revive automatically.

8. With above mentioned modification in the matter of sentence, this appeal stands disposed of.

9. As the conviction and sentence recorded against the accused-Appellants has been affirmed and as the complainant - injured has been compensated u/s 357 Code of Criminal Procedure., therefore, Crl. Revision No. 677 of 1999 filed by the complainant stands disposed of accordingly.

10. A photocopy of this order be placed on the file of the connected matter.