

(1989) 09 P&H CK 0063

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 211 of 1989

Sukhdev Singh

APPELLANT

Vs

State and Punjab and anr.

RESPONDENT

Date of Decision : 05-09-1989

Acts Referred:

Citation : (1989) 2 AICLR 539 : (1990) 1 RCR(Criminal) 88

Hon'ble Judges : K.S.Bhalla, J

Advocate : S.S. Sahi, V.K. Jindal, Advocates for appearing Parties

Judgement

K. S. Bhalla, J.—Through this petition, two jail punishments awarded to petitioner Sukhdev Singh have been assailed which were awarded on 29.12.1986 and 2.3.1987. Amongst other grounds, it is alleged that judicial appraisal as required under law was not obtained with regard to the punishments from Sessions Judge, Patiala. In the return filed on behalf of the respondents, it is admitted in clause (d) of para 8 that none of those two cases was sent to the concerned Sessions Judge for judicial appraisal. Reasons given are that in the first case the petitioner himself had admitted his fault and in the second the offence was committed in the presence of Jail Superintendent. No exceptions are provided in Sunil Batra's case (AIR 1980 Supreme Court 1579) it has been held therein that no punishment can be awarded to a prisoner without judicial appraisal of the Sessions Judge. In this case, whom admittedly no such appraisal was obtained in any of the two cases, none of these jail punishments can possibly sustain. It is the order of punishment which is required to be appraised by the Sessions Judge and as such admission of the prisoner or commission of the offence in the presence of Jail Superintendent are some such circumstances which are of no relevance. The impugned orders of punishment obviously are bad on that short ground of want of judicial appraisal and are liable to be quashed. It is ordered accordingly.