
(1993) 08 P&H CK 0054
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 487 of 1993

Tara Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 25-08-1993

Acts Referred:

Citation : (1994) 1 RCR(Criminal) 457

Hon'ble Judges : S.S.Grewal, J

Advocate : I.P.S. Sidhu, I.S. Sidhu, Advocates for appearing Parties

Judgement

S.S. Grewal, J. (Oral)

1. Tara Singh, his son Dalbir Singh and their coaccused Roop Singh were tried for causing injuries with sharp edged weapon to Jagir Singh who too is the son of Tara Singh accused. Vide order of the trial Magistrate, dated 18.3.1992. Tara Singh and Dalbir Singh petitioners were convicted under Section 326 of the Indian Penal Code and each of them was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 100/ each. In default of payment of fine each of them was ordered to undergo further rigorous imprisonment for one month. Roop Singh petitioner was convicted under Section 326 read with Section 34 of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 100/. In default of payment of fine he was ordered to undergo further rigorous imprisonment for one month. All the petitioners were further convicted under Section 324 of the Indian Penal Code and each of them was sentenced to undergo rigorous imprisonment for four months. Both the substantive sentences of imprisonment were ordered to run concurrently. The appeal filed by the petitioners against their conviction and sentence was dismissed by the learned Additional Sessions Judge, Gurdaspur, vide order dated 19.7.1993. Aggrieved against the order of conviction and sentence passed by the Courts below, the petitioners have filed the present revision petition which, was admitted qua the quantum of sentence to be awarded to the petitioners.

2. The learned counsel for the parties were heard.

3. On behalf of the petitioners, it was mainly submitted that the petitioners underwent agony of trial for about four years before the trial Court, their appeal remained pending in the Court of Additional Sessions Judge, Gurdaspur, for about 11/3 years and that lenient view may be taken as Tara Singh and Dalbir Singh as well as Jagir Singh injured are close relations and there is no previous enmity between them and that the occurrence took place with regard to turn of water from the tubewell which Dalbir Singh had given to Roop Singh, his coaccused in violation of the verbal agreement between Dalbir Singh accused, Jagir Singh PW and Tara Singh their father.

4. Taking into consideration the fact that the petitioners underwent agony of trial for more than four years before the trial Court, their appeal remained pending for about 11/3 years and the over all circumstances of the case including those referred to above, in my opinion, the ends of justice would be fully met if substantive sentence of imprisonment awarded to the petitioners by the Courts below is reduced to that already undergone. I order accordingly. However, the fine imposed against all the petitioners by the learned trial Court is enhanced from Rs. 100/ to Rs. 2000/ each In default of payment of fine the defaulting petitioner shall undergo rigorous imprisonment for one month. The entire amount of fine shall be paid to Jagir Singh injured as compensation as contemplated under Section 357 of the Code of Criminal Procedure. The fine so imposed shall be deposited in the trial Court by the petitioners within one month from today. In case the said fine is deposited the learned trial Court would summon the aforesaid Jagir Singh and pay him the compensation as ordered earlier.

5. Except with this modification, I do not find any merit in this revision petition and the same is hereby dismissed.