

(2008) 02 P&H CK 0337

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 609 of 1993

Bahali Ram and Others.

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Feb. 6, 2008

Acts Referred:

- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 325

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Advocate: Mehardeep Singh, Assistant Advocate General, Punjab, for the Respondent

Judgement

Kanwaljit Singh Ahluwalia, J.

Petitioners were tried in case FIR No. 152/88 registered at Police Station Valtoha under Sections 326, 325, 324, 323, 149 IPC. It is stated that complainant Bachan Lal and his brother Dharam Pal had agricultural land in village Toot. They had constructed their houses on their land. Adjoining land belongs to petitioners' party i.e. Bahali Ram and others. On 24.11.1988 at 7.30 A.M. on the issue of demolishing common Vat, the present occurrence had arisen. Accused, who were armed, caused injuries to Bachan Lal and Dharam Pal. On the noise raised, Pritam Kaur and Nirmal Dass were attracted to the spot. Pritam Kaur was also injured. All the three injured were taken to hospital by Nirmal Dass. Injured Bachan Lal, Dharam Pal and Pritam Kaur appeared as PW.1, PW.2 and PW.3, respectively. A perusal of both the judgments of Courts below show that they had deposed regarding the injuries inflicted upon them by the accused. Dharam Pal had suffered three injuries, Bachan Lal had suffered 12 injuries and Pritam Kaur had suffered eight injuries. Injured will be the last person to depose falsely as their presence at the spot is stamped. Both the Courts below have rightly convicted and sentenced the petitioners. Sentences awarded to the petitioners are reproduced below:-

Offence committed U/S 148 IPC	Name of the accused All the accused	Sentence awarded Undergo RI for one year each.
U/S 326 IPC	Bahali Ram	Undergo RI for two years and to pay fine of Rs.500/-. In default of payment of fine further undergo RI for three months.
U/s 326/149 IPC	Other accused	Undergo RI for one year each and to pay fine of Rs.500/- each. In default of payment of fine undergo RI for three months.
U/S 325 IPC	Mela Ram	Undergo RI for 1-1/2 years.
U/S 325/148 IPC	Other accused	Undergo RI for one year each.
U/S 324 IPC	Bhalla accused	Undergo RI for one year.
U/S 324/149 IPC	Other accused	Undergo RI for nine months each.
U/S 323 IPC	All the accused	Undergo RI for three months each.

All the sentence shall run concurrently. File be consigned to the record Room".

2. In this case only Bahali Ram was awarded two years, Mela Ram was awarded 1= years and other accused were awarded one year rigorous imprisonment. Occurrence in the present case pertains to November 1988. A period of more than 19 years has lapsed. Petitioners have suffered protracted trial. Petitioners have also undergone about one month after their appeal was dismissed.

3. I find no reason to send the petitioners behind the bar after 19 years. However, learned Appellate Court had noticed that Bachan Lal complainant had suffered injury which had caused permanent bent to his right forearm.

4. Taking totality of circumstances, sentence of the petitioners is reduced to already undergone. Sentence of fine qua each accused is enhanced to Rs. 25,000/-. The total amount of fine comes to Rs. 1,50,000/-, out of this amount, Rs. 75,000/- will be given to Bachan Lal and the rest of the amount will be equally shared by Dharam Pal and

Pritam Kaur. The petitioners will be called by the Court of learned Judicial Magistrate 1st Class, Patti, who tried the accused, to deposit the fine.

5. Non deposit of fine by the petitioners shall be considered as dismissal of the present revision petition.

6. With these observations, the present revision petition is disposed off.