

Rajasthan High Court

Sadul Singh And Ors. vs State Of Rajasthan on 8 April, 1982

Equivalent citations: 1982 WLN UC 48

Author: K Bhatnagar

Bench: K Bhatnagar

JUDGMENT Kanta Bhatnagar, J.

1. The petitioner along with three other viz. Amir Singh Bhag Singh and Dhara Singh were tried for the, offences under Sections 323, 324, 342, 147 and 148, Indian Penal Code, by the Judicial Magistrate Hanumangarh. By the judgment dated December 9, 1975 the learned Magistrate held the petitioners Sadul Singh and Pritam Singh guilty for the offences under Sections 148 and 324, Indian Penal Code and sentenced them to three months' rigorous imprisonment each and a fine of Rs. 500/- each on each count, in default to two months' simple imprisonment each on each count. Kashmir Singh was convicted for the offences, under Sections 147 and 323 Indian Penal Code and sentenced to one Month's rigorous imprisonment on each count. Amar Singh and, Amir Singh were convicted for the offence under Section 147, Indian Penal Code and sentenced to one month's rigorous imprisonment, each. The learned Magistrate dealt the case of Bhag Singh and Dhara Singh under Section 360(3) of the Code of Criminal Protedu(sic)e and released them after admonition. The petitioners and Amir Singh preferred an appeal in the Court of Additional Sessions Judge No. 2, Hanumangarh who by his judgment dated 17-5-1978 allowed the appeal of Amir Singh and acquitted him of the charge levelled against him. The appeal of petitioners Sadul Singh, Pritam Singh and Kashmir Singh was partly allowed. The substantive sentences of Sadul Singh and Pritam Singh for the offences under Sections 148 and 324, Indian Penal Code were reduced to two month's rigorous imprisonment and the fine of Rs. 500/- each on each count was reduced to Rs. 300/- each on each count; in default to under-go one month's simple imprisonment on, each count. It was further ordered that the substantive sentences shall run concurrently. The sentences of Kashmir Singh for the offences tinder sectioned 147 and 323, Indian Penal Cede were maintained as such, bat it was ordered that the sentences shall run concurrently. The sentence awarded to Amar Singh for the offence under Section 147, Indian Penal Code was maintained as such, and his appeal was rejected. The petitioners being aggrieved of their conviction and sentences have invoked the revisional jurisdiction of this Court.

2. Learned Counsel for the petitioners submitted that he does not press the petition on merits, but prays for a lenient view to be taken in view of the facts and circumstances of the case. The facts pointed out by him to substantiate his prayer are that the offence relates to the year 1970 and it would be harsh for the petitioner to be sent behind the bars after such a long period. He also referred to the nature and dimensions of the injuries alleged to have been sustained by Kala Singh complainant. It has also been contended by the learned Counsel that prosecution could not establish any motive and it does not appear that there must have been any serious quarrel of enmity between the complainant and the accused. In view of the facts and circumstances of the case, the learned Public Prosecutor also does not contest the prayer for a lenient view being taken. As per medical evidence Kala Singh bad sustained two simple injuries by sharp edged weapon on the hands and 6 contusions. The dimension of both the incised wounds is 1 1/2" x 1/4" x 1/4". One incised wound each has been assigned to Sadul Singh and Pritam Singh. In view of the facts and circumstances of

the case, specially that the matter relates to May 1970, it is not considered proper to send the petitioners behind the bars after the lapse of a period of about 12 years. The petitioners had already suffered a lot because of the lingering proceedings in the court as is evident from the fact that till the year 1978 the appeal could not be decided. The petitioners had remained in custody for a period of one week so far. In such circumstances, the ends of justice would meet if the substantive sentences of all the petitioners are reduced to the period they had remained in custody so far. Pritam Singh and Sadul Singh have been sentenced to a fine also for the offences under Sections 148 and 324, Indian Penal Code. The amount of fine of Rs. 300/- each on both the counts also appears to be heavy, and some leniency is required in this regard also.

3. Consequently, the revision petition is partly allowed. The conviction of the petitioners for the various charges stated above is maintained. Their substantive sentence are reduced to the period they had remained in custody so far. The sentence of fine of Pritam Singh and Sadul Singh for the offences under Sections 148 and 324, Indian Penal Code is reduced to Rs. 150/- each on each count; in default to undergo one month's simple imprisonment on each count. Out of the amount of fine Rs. 200/- shall be given to Kala Singh complainant by way of compensation. The bail bonds of Kashmir Singh and Amar Singh are discharged. On the request of Mr. B.K Chohan, learned Counsel for the petitioner, two months' time is allowed to Pritam Singh and Sadul Singh to deposit the amount of fine in the trial court.