

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7283/2013

(From the judgement and order dated 04/02/2013 in CRLA No.623/2003,
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ROOR SINGH Petitioner(s)

VERSUS

STATE OF PUNJAB Respondent(s)
(With office report)

Date: 05/05/2014 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Abhay Kumar,Adv.

For Respondent(s) Mr. Kuldip Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal stands disposed of in terms of
the signed order.

[Neeta] [Usha Sharma]
Sr. P.A. Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1087 OF 2014
(Arising out of SLP(CRL.) No. 7283 of 2013)

ROOR SINGH Appellant (s)

VERSUS

STATE OF PUNJAB Respondent(s)

O R D E R

Leave granted.

This appeal has been preferred by appellant-Roor Singh
against the judgment dated 4th February, 2013 passed by the High

Court of Punjab and Haryana at Chandigarh in CrI. Appeal No. 623-SB of 2003 (O&M). By the impugned judgment, the High Court confirmed the order of conviction for the offences under Section 307 and 324 IPC but reduced the sentence from 7 years to 5 years for the offence under Section 307 IPC but affirmed the sentence of one year for the offence under Section 324 IPC which are to run concurrently.

Case of the prosecution is that about 30 years prior to the occurrence, father of injured/complainant Amarjit Singh had purchased 29 Kanals of land from Kashmir Singh. An altercation took place between the complainant and Bachan Singh on 31st July, 1996 on account of partition proceedings between the parties. The matter was duly settled with the intervention of Panchayat. On 25th August, 1996, Hari Singh, uncle of the complainant was coming from the house of Kewal Singh. When Hari Singh reached in front of the main door

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of the house of the complainant at about 8.00p.m. he opened the door to enable the Hari Singh to enter. At that time, Kashmir Singh and Roor Singh armed with gandasas pulled Hari Singh towards their house along with other accused and gave a gandasa blow on the forehead above the right eye of Hari Singh. Roor Singh gave a gandasa blow on the backside of the head of Hari Singh. Hari Singh fell down.

After investigation the accused was charged under Sections 307, 324, 323/34 IPC.

The prosecution examined ten witnesses. The statements of the accused under Section 313 of the Cr.P.C. were recorded in which they denied all allegations of the prosecution and pleaded they were innocent and falsely involved in the case. They also examined one defence witness Dr. Kulwant Kaur in their defence. After proving the evidence, the trial court convicted the accused for the offence under Section 307, 324/34 IPC and the appellant was sentenced to undergo imprisonment for 7 years under Sections 307/34 and fine. He was also sentenced for one year imprisonment for the offence under Section 324 of the IPC.

In appeal the High Court while affirming the conviction

reduced the sentence of 7 years to 5 years for the offence under Section 307/34 IPC. Rest part of the conviction and sentence was affirmed.

We have heard learned counsel for the parties.

PW1 Dr. Sukhminder Singh examined Hari Singh injured on 25th August, 1996, and found following injuries:

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1. Incised wound 14 x 2 cms situated 2 cms above right eyebrow. 7cms above right pinna. Direction is vertical and underlying bone was fractured. Brain matter was coming out. Fresh bleeding was present.
2. Incised wound 14cm x 1 = cms on the back of the chest. 6cms left of midline. 2 cms below the root of neck. Fresh bleeding was present. Bone deep. Advised X-ray.
3. Incised wound 4cm x .5 cm situated 6 cms above posterior hair line. 13 cms from right pinna Bone deep. Fresh bleeding was present. Advised X-ray.

PW-10 Dr. T.N. Shadangi deposed that the injury on the head of injured Hari Singh was dangerous to life. Due to the injuries suffered by injured Hari Singh, he had developed left side Hemiparesis.

From the evidence on record and the statement of witness we find that the prosecution successfully proved the charge beyond all reasonable doubt against the accused. Statement of the complaint with regard to manner of occurrence was duly corroborated by injured Hari Singh and P.W. 8 Malkeet Singh.

However, taking into consideration the fact that the appellant Roor Singh is aged about 80 years, is already suffering from ailment, has already undergone imprisonment for about 18 months, we reduce the sentence of appellant from 5 years to the period undergone for the offence under Section 307/34 of IPC. Rest of the conviction and sentence is affirmed.

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Appellant be released in connection with Case No. 203 of 1996

arising out of FIR No. 181 dated 26.08.96 U/s 307/324/323/34 IPC,
P.S. Baghapurana by the Court of Chief Judicial Magistrate,
Faridkot, if not required in connection with any other case.

The appeal stands disposed of.

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.
(RANJAN GOGOI)

NEW DELHI;
MAY 05, 2014