

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).5342/2011

(From the judgement and order(s) in 16/02/2011 in CRLR No.1700/200 of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

TIRATH SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for bail and office report)

Date: 31/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Vikram Chaudhari, Adv.
Mr. Nikhil Jain, Adv.
Ms. Preeti Singh, Adv.

For Respondent(s) Mr. Jayant K. Sud, AAG, Punjab
Mr. Harendra Singh, Adv.
Mr. Sandeep Kr. Mishra, Adv.

Mr. Kuldip Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is partly allowed in terms of the
signed order.

(DEEPAK MANSUKHANI)

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

(M.S. NEGI)

Court Master

CRIMINAL APPEAL NO. 1986 OF 2011
(Arising out of SLP(Crl.) No. 5342 of 2011)

TIRATH SINGH

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

O R D E R

Leave granted.

The courts below have convicted the appellant for offences punishable under Sections 326 and 323 of IPC and awarded two years' rigorous imprisonment to him for the offence under Section 326 and three months' rigorous imprisonment for the offence punishable under Section 323 IPC. A fine of Rs. 1000/- has also been imposed in default of payment whereof, the appellant is sentenced to one month's further imprisonment. The sentences have been directed to run concurrently.

When the matter came up before us for admission on 29th July, 2011, we directed issue of notice to the respondent only on the question of quantum of sentence. We are not, therefore, required to examine the correctness of the order holding the appellant guilty of the offence mentioned above. The question of sentence alone has been argued before us by the learned counsel for the parties.

Having regard to the facts of the case and in particular, the fact that the injury allegedly sustained by Surjit Kaur PW 1 was reported to be a grievous injury caused with the handle of Kirpan, and having regard to the fact that the incident had taken place as early as in the year 1998, we are of the view that the interest of justice would be sufficiently served if we reduce the sentence awarded to the appellant under Section 326 IPC from two years' rigorous imprisonment to one years' rigorous imprisonment. We do not, however, see any reason to interfere with the sentence awarded to him under Section 323 IPC.

In the result, we allow this appeal in part and to the limited extent, that the sentence awarded to the appellant for the offence punishable under Section 326 IPC shall stand reduced to rigorous imprisonment for one year only.

.....J.
(B.S. CHAUHAN)

.....J.
(T.S. THAKUR)

NEW DELHI
OCTOBER 31, 2011