

Pratap Singh and anr. Vs. State

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Court : Delhi

Decided On : May-20-1992

Reported in : 48(1992)DLT46

Judge : V.B. Bansal, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 325

Appeal No. : Criminal Revision Appeal No. 131 of 1979

Appellant : Pratap Singh and anr.

Respondent : State

Advocate for Pet/Ap. : O.P. Dutta and; B.D. Batra, Advs

Judgement :

V.B. Bansal, J.

(1) This is a revision petition by Pratap Singh Rana, Jaswant Singh and Smt. Jag Devi against their conviction and sentence.

(2) Vide judgment dated 9th January 1979 Pratap Singh was convicted under Section 325 T.P.C. while Jaswant Singh and Smt. Jag Devi were convicted under Section 323 Indian Penal Code . On 11th January 1979 Pratap Singh was sentenced to RI for six months while Jaswant Singh and Smt.Jag Devi were

sentenced to pay fine of Rs. 300.00 each or in default Si for 30 days by a Metropolitan Magistrate, Delhi. They challenged their conviction and sentence in the Sessions Court but the appeal was dismissed on 21st July 1979. Still not being satisfied they had filed this revision petition.

(3) The case relates to an incident of 7th May 1973 in which Raghunath Tyagi is stated to have sustained grievous injury at the hands of Pratap Singh while simple injuries were caused by Jaswant Singh and Smt. Jag Devi.

(4) Learned Counsel for the petitioner submits that Jaswant Singh petitioner No. 2 has died and that the revision petition qua Smt. Jag Devi petitioner No. 3 is not pressed. Revision petition of Jaswant Singh in these circumstances stands abated.

(5) The case of the prosecution is dependent on the statement of Raghunath Tyagi which finds corroboration from the medical report. Shanti Devi PW-4 was hostile while Savitri Devi PW-2 had supported the prosecution story when she was examined earlier on 6th September 1974 but subsequently on an order of the Additional Sessions Judge she was examined again on 17th November 1978 when she was hostile and did not support the prosecution story. Deep Chand PW-6 was another eye witness of the incident. After arguing the matter for some time Counsel for the petitioner submitted that he does not challenge the order of conviction and that submission was restricted only to the order of sentence.

(6) Pratap Singh petitioner was sentenced to Ri for six months in respect of an incident of 7th May 1973. He has been in custody for about 11 days. Submission of the learned Counsel for the petitioner has been that after such a lapse of time petitioner may not be sent to jail. I have given due consideration to the submission of the Counsel for the petitioner and am of the view that ends of justice would be met if the sentence is reduced to the sentence already undergone.

(7) As a result the revision petition qua Jaswant Singh stands abated. Revision petition of Smt. Jag Devi is dismissed as withdrawn. Revision petition of Pratap Singh is accepted in part. His conviction under Section 325 I.P.C. is maintained. The order of sentence is modified and the sentence is reduced to the period for

which he has already been in custody. Pratap Singh is on bail. His bail bond stands discharged.

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