

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1488 OF 2010
ARISING OUT SLP(CRL.) NO. 5931 OF 2010**

SANTOKH SINGH & ORS. APPELLANTS

VERSUS

STATE OF PUNJAB RESPONDENT

O R D E R

1. Leave granted.

2. This is a rather unusual case and in view of the long drawn litigation pending over almost two decades, the matter can be sorted out here and now. In view of the limited question involved, we are not inclined to even issue notice but proceed to decide the matter at this very stage. The five appellants Santokh Singh, Joginder Singh, Kala and Lakhwinder Singh and Kashmira Singh were tried for offences punishable under Section 324/149 of the Indian Penal Code. The trial court convicted and sentenced them as under:

Name	U/S.	R.I.	Fine	In default
Santokh Singh	326 IPC	3 years	Rs. 1000/-	3 months
	324 IPC	1 year	Rs. 500	2 months
	148 IPC	1 year		

Joginder Singh	326/149 IPC	2 years	Rs. 1000/-	3 months
	324 IPC	15 months	Rs. 500/-	2 months
Kashmira Singh	326/149IPC	2 years	Rs. 1000/-	3 months
	324/149 IPC	1 year	Rs. 500/-	2 months
Lakhwinder Singh	326/149 IPC	2 years	Rs. 1000/-	3 months
	324/149 IPC	1 year	Rs 500/-	2 months
Kala	326/149 IPC	2 years	Rs. 1000/-	3 months
	324/149 IPC	1 year	Rs. 500/-	2 months

3. This conviction and sentence was maintained by the Sessions Judge. Kashmira Singh has in the meanwhile passed away. Before the High Court, the only prayer made was for reduction in the quantum of sentence. The High Court by its judgment dated 26th February, 2010 accordingly observed as under:

"Perusal of the record reveals that all the accused-petitioners were very much present armed with deadly weapons at the time of occurrence and they have fully participated in the occurrence and as such provision of Section 149 IPC were fully attracted in this case. Keeping in view the fact that petitioner Nos. 2 and 3 were aged 51 and 66 years while petitioner Nos. 4 and 5 were the age group of 31 years and 28 years respectively at the time of commission of offence and occurrence pertains to the year 1993 and sword of damocles has remained hanging over the head of petitioners for the last 17 years, I am of the considered opinion that ends of justice will be adequately met, if the sentence awarded to the petitioners is reduced from 3 years R.I. To 2 years R.I. Sentence of fine and default clause will remain same. I order accordingly.

With the above modification in the impugned sentence order, this revision petition is disposed of."

4. Before us, today the learned counsel for the

appellant has made only one submission. He has pointed out that the sentence awarded to the appellants had been reduced from three years rigorous imprisonment to two years but it appeared that the High Court had, by an inadvertent error confined the relief only to Santokh Singh and not to the other three appellants whose sentence was already two years rigorous imprisonment. The trial court and the Sessions Court had drawn a distinction in the award of sentence as Santokh Singh had been convicted under section 326 IPC simplicitor and the other accused with the aid of Ssection 149. We see merit in the argument. We, accordingly, allow the appeal to the extent that the sentence of Joginder Singh, Lakhwinder Singh and Kala will stand reduced from two years to one year's R.I. under Section 326/149 of the IPC, the other parts of the sentence being maintained as it is.

5. The appeal is disposed of with the above directions.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

**NEW DELHI
AUGUST 02, 2010.**

