

2025:PHHC:084794



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-748-2025 (O&M)
Date of Decision:10.07.2025**

Kamaljit Kaur @ Kamal @ Kamaljeet Kaur ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 13.03.2025 passed by the Court of Additional Sessions Judge, Kapurthala, whereby, the judgment of conviction and order of sentence dated 27.02.2023 passed by the Court of Sub-Divisional Judicial Magistrate, Bholath, has been modified to the extent that the petitioner shall be convicted only under Section 435 of IPC and sentenced to undergo rigorous imprisonment for a period of 06 months and to pay a fine of Rs. 2000/-.

2. At the very outset learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction, however, some leniency may be shown while awarding the sentence to the petitioner. Even though, learned counsel has

chosen not to challenge the judgment of conviction, still, this Court has examined the case on merits.

3. The brief facts of the case are that the FIR in the present case was got registered by Pritam Singh son of Mohinder on 29.05.2017 who stated that on 25.05.2017 he was about to leave for his farm after feeding buffaloes, petitioner Kamaljit Kaur @ Kamal wife of Sukhwinder Singh had lit a Parna (turban). She was abusing and she threw the said burning turban on the 'Chann/Shed' (Thatch) of cattle. The "Chann(Shed/ Thatch)" caught fire. Two buffaloes were also burnt despite his efforts to untie them. His father Mohinder Singh and Malook Singh son of Munshi Ram tried to douse the fire. One buffalo was totally burnt. The cause for mischief was that Satpal son of Mohan Lal, resident of Ballo Chak was having illicit relationship with Kamaljit Kaur @ Kamal (petitioner). In the night of 24.05.2017, he had come. He alongwith Nirmal Ram, brother-in-law of Kamaljit Kaur @ Kamal (petitioner), had stopped him from continuing his illicit relationship with petitioner. They had manhandled them. In this grudge, accused Kamaljit Kaur @Kamal had set the "Chann(Shed/Thatch)" on fire. There were talks for compromise but compromise could not be effected. FIR no. 45 dated 29.05.2017 under Sections 435, 427 and 429 IPC was registered at Police Sation Begowal, District Kapurthala. After completion of investigation, report under Section 173 Cr.P.C. was filed.

4. The petitioner was initially charged for the commission of the offence punishable under Sections 427, 429 and 435 of IPC, to which, the petitioner pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution produced 08 witnesses to prove the charge against the petitioner. The prosecution examined PW1 Mohinder Singh, PW2 Nirmal Ram, PW3 Pritam Singh, PW4 Lady Constable Rajveer Kaur, PW5 ASI Beant Singh, PW6 Retired Inspector Parminder Singh, PW7 Dr. Manpreet Singh and PW8 Narinderjeet Singh and closed the evidence.

6. After closer of the prosecution evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and she denied her role in the offence and submitted that she had been falsely involved. In her defence, she did not produce any witness and closed the evidence.

7. During the course of trial, the prosecution examined the complainant Pritam Singh as PW3, who reiterated the averments made in the FIR. The prosecution further examined PW7 Dr. Manpreet Singh, who had examined the animals, which were burnt. The said witness clearly stated that two buffalos had died and he had issued his medical certificate Ex.P1/PW7 and the postmortem reports Ex.P2/PW7 and P3/PW7. He clearly stated that the animals had died due to burn injuries and not due to any disease. Further, PW8 Narinderjeet Singh had not supported the case of the prosecution, but he was not a material witness in the present case. Apart from that, the

prosecution had examined PW1 Mohinder Singh and PW2 Nirmal Ram, who supported the version of PW3 Pritam Singh, complainant and both of them were the eye witnesses of the occurrence. Both were examined, but their testimonies could not be discredited in any manner. Apart from that, the prosecution also examined PW5 ASI Beant Singh, who was a witness of recovery of incriminating evidence and supported the testimony of PW6 Parminder Singh, Inspector. The prosecution further examined Inspector Parminder Singh (Retired), who proved on record the entire investigation and exhibited the memos on record.

8. In the present case, the accused had thrown burnt clothes on the thatch and three buffaloes were died under this. Even, two buffaloes had died due to burn injuries, which was duly proved by the testimony of PW7 Dr. Manpreet Singh, Veterinary Officer. The statement of PW7 Dr. Manpreet Singh is duly corroborated by the testimony of PW3 Pritam Singh complainant and PW1 Mohinder Singh and PW2 Nirmal Ram, both the eye witnesses. Even, the Courts below appreciated the evidence correctly and detailed findings have been recorded by both the Courts. Even otherwise, I have gone through the trial Court as well as appellate Court records and it is amply clear that both the judgments do not suffer from any irregularity or illegality. Thus, finding no merits, the judgment of conviction is ordered to be upheld by this Court.

9. Now adverting to the order of sentence, the petitioner was convicted for the offence punishable under Section 435 IPC by the appellate Court and has been sentenced to undergo rigorous imprisonment for a period of 06 months. As per the custody certificate, the petitioner has already undergone 04 months and 08 days of sentence (including remissions) and is confined in jail. As per the learned counsel, the petitioner is a poor lady and is mother of school going children. In her absence, the studies of children have been adversely effected and there is no one at home to take care of them. Moreover, the petitioner is facing the prosecution since last 08 years. Consequently, the sentence imposed on the petitioner is reduced to the period already undergone by her. However, the sentence of fine shall remain the same.

10. With the above modifications, the revision is partly allowed and the impugned judgment of conviction is upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by her. However, the sentence of fine shall remain the same.

11. All pending applications, if any, are disposed off, accordingly.

10.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/Np