

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-1892-SB-2003(O&M)

Date of Decision :14.01.2015

Mukh Ram and others

.....Appellants

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jai Vir Yadav, Advocate
for the appellants.

Mr.Ashish Yadav, Addl.AG, Haryana.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the appellants against heir conviction under Sections 325/323 IPC. The sentence awarded to them is as under:-

Sr.No.	Names of appellants	Under Section	Sentence awarded	In default
1.	Mukh Ram, Gher Singh and Guggan Chand	325 IPC	R.I. 2 years with fine of Rs. 2000/- each	R.I. 3 months each
2.	Mukh Ram, Gher Singh and Guggan Chand	323 IPC	R.I. 1 year each	-----

Both the sentences were ordered to run concurrently.

Brief facts of the prosecution case are that complainant and accused are residents of the same village. Accused Mukh Ram is the uncle of complainant Surinder Kumar and accused Gher Singh is her cousin being son of accused Mukh Ram. Third accused namely Guggan Chand is a tenant

on the land of accused Mukh Ram. There had been exchange of hot words between the complainant and accused Mukh Ram and Gher Singh as they pushed some stray cattle in his field. At midnight when complainant was sleeping in his Dhani, all the three accused came there, lifted him from his cot, took him to some distance where they beat him up and then left him near the cot in the field. They also attempted to strangulate him. His wife Saroj Bala found him lying injured and he was brought to hospital by his brother Bhani Ram. The matter was reported to the police and after completion of usual formalities of investigation challan against the accused was filed in Court.

Accused were charged under Sections 364, 323 read with Section 34 IPC to which they did not plead guilty and claimed trial. After the prosecution evidence was closed, statements of accused were recorded. The accused were convicted in the manner as stated above and that is why they have come up in appeal.

Learned counsel for the appellants has argued that the story trotted out is highly improbable because the injured states that he was picked up from his house but his wife has stated that he had gone to the fields. There is no specific attribution of any injury.

Learned Addl.AG has argued that the testimony of an injured witness would be most trustworthy because a person who has been injured would not like to exculpate the real culprit only to visit revenge to an otherwise innocent third party with whom there may have been some previous enmity. He has, however, not been able to deny that there is one grievous injury and the rest are simple injuries and the grievous injury has been attributed to appellant No.2 who is the son of appellant No.1.

Keeping in view all the facts especially that there is only one

grievous injury which has been attributed to appellant No.2, I deem it appropriate to maintain the conviction but reduce the sentence of appellants No.1 and 3 to that which they have already undergone during the continuation of these criminal proceedings. Ordered accordingly. As regards appellant No.2, his appeal is dismissed.

(AJAY TEWARI)
JUDGE

January 14, 2015
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