

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA no.S-1980-SB of 2003(O&M)

Date of Decision : 06.05.2015

Raman Verma

....Appellant

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Yogesh Goel, Advocate for the appellant

Mr. P.J.S.Hundal, AAG, Punjab

MAHESH GROVER, J.

Appellant stands convicted for a period of two years under
Section 324 IPC.

Mamta Kapoor the complainant had registered the FIR that she
alongwith her husband and children were residing as a tenant in upper
portion of the house of the present appellant and on 25.1.2001 at about
10:30 P.M when her husband Ashok Kumar returned from his shop the
appellant armed with dagger accompanied by Dev Krishan and other
unidentified persons waylaid Sh. Ashok Kapoor abused him and attacked
him with a dagger on his chest, neck etc.

Learned Trial Court on the basis of evidence adduced by the
prosecution convicted and sentenced the appellant as noticed above. There
was no escape from the fact that injuries were indeed caused to the husband
of the complainant but the Court concluded on the basis of medical
information that it was not a case where they were dangerous to life.

Identity of the appellant was also not in question.

Be that as it may, learned counsel for the appellant contends that he is not addressing the issue on merits but would confine his prayer for reduction in sentence considering the fact that appeal is of the year 2003 and the incident occurred in the year 2001. He contends that 14 years have elapsed and the petitioner is fairly advanced in years and besides the dispute arose essentially between the landlord and the tenant on account of reluctance of the victim to vacate the premises.

Prayer is opposed by the respondent who states that there is no cause of leniency considering the unprovoked attack by the petitioner.

I have considered the matter in entirety and notice that the occurrence took place in the year 2001 in the backdrop of some bad blood between the parties. The appellant has already undergone 6 months of the total substantive sentence of 2 years awarded to him and after 14 years to submit him to incarceration may not indeed be in the interest of justice, particularly when the parties have ironed out their differences and moved on in life. Thus in the given set of circumstances, it is directed that the sentence of the appellant is reduced to that of already undergone by enhancing the fine component to Rs.25,000/-which the appellant shall deposit before the Trial Court within 3 months from today for onward disbursal to the victim, Sh. Ashok Kumar . Learned Trial Court shall issue notice in this regard to the victim for the said purpose.

Disposed of.

May 06, 2015
rekha

(Mahesh Grover)
Judge