

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

CRR-1281 of 2007 (O&M)

Date of decision: 02.09.2015

Beera and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rahul Vats, Advocate for the petitioners.

Mr. Arun Luthra, AAG, Punjab
for the State.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioners have assailed the judgment dated 25.07.2007, vide which, the learned Addl. Sessions Judge, Sonapat, upheld the judgment dated 10.08.2006, passed by the learned Additional Chief Judicial Magistrate, Sonapat, whereby, the petitioners were convicted under Sections 323, 325 r/w Section 34 of the Indian Penal Code (for short 'IPC') and sentenced to undergo RI for a period of six months and to pay fine of Rs. 300/- each and in default of payment of fine, to further undergo simple imprisonment for one month, under Section

323/34 IPC and to further undergo RI for a period of one year and to pay fine of Rs. 1000/- each and in default of payment of fine, to further undergo simple imprisonment for two months, under Section 325/34 IPC.

The prosecution case against the petitioners is that on 30.08.1999 at about 7 p.m., a quarrel had been taken place between the petitioners and complainant Shanti and the petitioners gave injuries to the complainant, her daughter and husband.

On commitment, the accused/petitioners were charged sheeted under Sections 323, 325, 326 read with Section 34 IPC, to which they pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 Shanti, complainant; PW-2 Rani; PW-3 Dr. S.K. Gosain; PW-4 Dr. Alankrita and PW-5 Kehar Singh. Thereafter, the prosecution evidence was closed by order.

The statements of the accused under Section 313 Cr.P.C., were recorded. They pleaded innocence and alleged false implication. However, they did not led any evidence in their defence.

After hearing the Public Prosecutor for the State, the Counsel for the accused, and after going through the evidence on record, the trial Court convicted and sentenced the accused/petitioners, as stated hereinbefore.

Feeling aggrieved against the judgments of both the

Courts below, the instant revision was filed by the accused/petitioners which was admitted on 20.08.2007. The sentence of accused/petitioners was suspended on the same day.

The learned counsel for the petitioners does not press the revision petition on merits and has submitted that the petitioners No.1 and 3 are husband and wife and they are now more than 60 years old, whereas the petitioner No.2 is their son, who is of young age. He has further submitted that the petitioners have suffered a protracted trial as the FIR was registered on 07.09.1999. The petitioners have never misused the concession of bail during the trial as well as during the pendency of the present revision petition. They are first offenders and have already undergone more than one month and 25 days out of substantive sentence of one year. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court.

On the other hand, the learned State counsel opposed the prayer of petitioners/accused and supported the judgment of conviction and order of sentence passed by the trial Court.

I have heard the arguments of the learned counsel for the parties and has carefully gone through the record of the case.

The prosecution case is fully proved by the statements of the prosecution. There is no flaw in the unassailed judgment of conviction. There is no merit in this present revision petition which

is dismissed on merits.

The petitioners have suffered agony of protracted trial. It is one of the mitigating circumstance to treat them leniently. The petitioners are stated to be first time offenders. They have already undergone one month and 25 days, out of the substantive sentence of one year and never misused the concession of bail. In view of the above, the prayer made on behalf of the petitioners is accepted. The sentence awarded to the petitioners is ordered to be reduced to the period already undergone.

Ordered accordingly.

However, the fine is further enhanced to ₹25,000/- each to be paid to Rani, daughter of the complainant and Rs. 5,000/- each to Shanti, complainant within four months after the receipt of certified copy of the order. It is made clear that if the enhanced amount of fine is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice.

02.09.2015

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(JITENDRA CHAUHAN)
JUDGE