

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

1.CRR no. 1779 of 2007(O&M)

Nirpal Singh and another

....Petitioner(s)

VERSUS

State of Haryana

....Respondent

2.CRR no. 2812 of 2008(O&M)

Chander Pal

....Petitioner(s)

VERSUS

State of Haryana and others

....Respondent

Decided on :08.07.2015

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr.Y.S.Turka, Advocate for the petitioners
in CRR no. 1779 of 2007

Mr. Anmol Malik, AAG, Haryana

Mr. R.P.Singh Ahluwalia, Advocate
for the petitioner in CRR No. 2812 of 2008

MAHESH GROVER, J

This order will dispose of two criminal petitions bearing CRR nos. 1779 of 2007 and 2812 of 2008.

The petitioners in CRR no.1779 of 2007 have questioned the conviction and sentence awarded to them. The petitioners were tried for having committed offence under Section 323,452, 506,34 IPC. The Trial Court convicted and sentenced them to undergo RI for 1 year under Section 452 & 506 IPC while under Section 323 to undergo SI for 6 months. In appeal, the appellate Court acquitted the petitioners of offence under Section 452 IPC but reduced the sentence under Section 506 IPC to that of

6 months and maintained sentence under Section 323 IPC which is also six months.

In the instant revision petition, learned counsel for the petitioners does not impugn the issue on merits but contends that the occurrence is of 8.11.1999 and so many years have elapsed since then. It is further stated that the occurrence took place on a trivial issue between co-villagers when the complainant was removing pigeon pea products leading from his fields which led to an altercation between him and the complainant and subsequent incident of violence resulting in injury with an axe which is described as deep cut in size 6.0 x 0.5 cm, bone deep in the head. He thus contends that taking into consideration all the facts cumulatively the petitioners deserves the leniency. Both of them have already undergone imprisonment for a period of 1 month and 11 days out of the total substantive sentence of 6 months awarded to them.

Prayer is opposed by learned counsel for the respondents – State who contends that there is no redeeming feature in the case of the petitioners to warrant leniency.

Second revision petition bearing CRR no. 2812 of 2008 has been filed by complainant seeking restoration of the judgment of the Trial Court and sentence awarded by appellate Court to modify appropriately.

On due consideration of the matter and noticing the fact that the occurrence took place in the year 1999 upon a trivial issue between co-villagers and the injury having been caused at the spur of the moment without any pre-meditated intent and also noticing the fact that petitioners as also the complainant would now be fairly advanced in years, it would not be in the fitness of things to submit the petitioner to incarceration at this

stage. It may also not be even in the interest of peace and tranquility in the society. Such a long period possibly may have healed the differences between the parties. In this view of the situation, it would be appropriate to reduce the sentence of the petitioners in CRR no. 1779 of 2007 to that of already undergone while enhancing the fine component and victim compensation in terms of Section 357 Cr.P.C to that of Rs.40,000/-. Ordered accordingly. Let the amount of Rs.40,000/- be deposited before the Trial Court within a period of four months from today for onward disbursal to the complainant.

Petitions stand disposed of.

July 08, 2015
rekha

(Mahesh Grover)
Judge