

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

Crl. Revision No.2634 of 2006 (O&M)
Date of decision: 23.9.2015

Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner.
Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J.

Petitioner Vinod had been convicted by the Judicial Magistrate 1st Class, Bhiwani, under sections 323, 325 read with section 34 IPC and was sentenced to undergo RI for six months under section 323/34 IPC and to further undergo RI for two years under section 325/34 IPC. He was also directed to pay Rs.15,000/- to the victims as compensation.

The petitioner preferred appeal against the judgment of his conviction/sentence, wherein his sentence under section 325/34 IPC was reduced from two years to one year by the Additional Sessions Judge (Fast Track Court), Bhiwani, vide judgment 18.11.2006.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Petitioner remains unrepresented. Similar was the situation on the last date of hearing.

Briefly, the prosecution case runs thus:

On 25.9.1996, Head Constable Dev Vert on receipt of a medical *Ruqa* regarding admission of Champa Devi, reached General Hospital, Bhiwani and after obtaining opinion from the doctor, he recorded statement of Champa Devi complainant who stated that on 24.9.1996 at about 7.30 P.M., she returned to her house. The house of Vinod (petitioner herein) and Pappu son of Munshi, adjoins her house, who started throwing stones in her house. When she tried to stop them, petitioner Vinod lifted a brick and inflicted a blow with it on the left side of her neck. She raised alarm, on which Sangat son of Roshan and Vikram son of Devender reached there and stopped the accused from pelting stones. She alleged that motive behind the occurrence was that on Thursday Vinod had an altercation with Meena wife of her son and the matter was compromised, but Vinod nourished a grudge and caused injury to her. On this statement, FIR was registered against the petitioner. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 323, 325 read with section 34 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution

examined as many as five witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. He, however, did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under sections 323, 325 read with Section 34 IPC and sentenced him as already indicated above. In appeal filed against the said judgment, sentence under section 325/34 IPC was reduced from two years to one year by the Additional Sessions Judge (Fast Track Court), Bhiwani, vide judgment dated 18.11.2006.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has reduced the sentence awarded under section 325/34 IPC from two years to one year. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Before this court, it has been pleaded by the petitioner in the grounds of revision petition that he is a poor person and there is no one in his house to earn livelihood for his mother, wife and one small child.

It is well settled that the scope in revision is very limited as

evidence of the witnesses cannot be re-appreciated and re-evaluated. However, stand of the State is that in case this court intends to maintain the conviction of the petitioner and reduce the quantum of sentence to that already undergone, State would have no reason to stand in the way of such orders. Thus, keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, fine/compensation imposed shall remain intact.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(RAJAN GUPTA)
JUDGE

23.9.2015
'Rajpal'