

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-58-2006 (O & M)

Date of decision:12.08.2015

Om Parkash

...Petitioner(s)

Versus

Suresh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Aditi Girdhar, Amicus Curiae,
for the petitioner.

Rajan Gupta, J. (oral)

This petition has been preferred by the petitioner against the judgment dated 27.07.2005 passed by the Additional Sessions Judge (Ad-hoc), Fast Track Court, Hisar, seeking enhancement of sentence of the accused.

FIR, in this case, was registered under Sections 307/326/324/323/452/506 and 34 IPC on February 25, 2001, on the statement of complainant Ramesh Kumar. It was alleged that accused were armed with various weapons and they caused injuries on the head of the complainant. Injured were taken to civil hospital and their medico legal examination was conducted. Charge was initially framed under Sections 307/326/324 and 452 readwith Section 34 IPC. In support of its case, prosecution examined 15 witnesses and produced documentary evidence.

In their statement under Section 313 Cr.P.C., accused pleaded that complainant was the aggressor and some injuries were received by them also in this scuffle.

After analyzing the evidence, trial court came to the conclusion that offence under Section 307 IPC was not made out. It, however, came to the conclusion that accused were guilty of commission of offence under Sections 326, 323 and 34 IPC. They were, thus, sentenced as under:-

<i>Offence</i>	<i>Sentence</i>
326/34 IPC	To undergo rigorous imprisonment for two years and to pay a fine of ₹2000/- each in default of payment of fine to further undergo RI for three months
323/34 IPC	To undergo rigorous imprisonment for six months and to pay a fine of ₹500/- each in default of payment of fine to further undergo RI for one month.

Only plea of learned counsel for petitioner is that sentence is on the lower side. Same needs to be enhanced.

I, however, find no merit in this plea. Incident relates back to the year 2001. Sentence awarded by the trial court is proportionate to the nature of injuries caused in the incident. There is, thus, no merit in this petition. It is also noticed that no appeal has been preferred by the State. Maintainability of the revision petition is also a matter of doubt.

Dismissed.

12.08.2015
sukhpreet

(RAJAN GUPTA)
JUDGE