

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

Crl. Revision No.694 of 2007 (O&M)

Date of decision: 20.01.2015

Baru Ram and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajesh Malik, Advocate,
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Ritu Bahri, J.

Challenge in this petition is to the judgment dated 20.01.2007 passed by the Additional Sessions Judge, Panipat, dismissing the appeal filed by the accused-petitioners against the judgment of conviction dated 12.08.2006 and order of sentence dated 14.08.2006 passed by the Judicial Magistrate, Ist Class, Panipat.

The trial Court convicted the accused-petitioners under Sections 323/325//34 IPC and sentenced them as under:-

Offence	Sentence
U/S 323 IPC	Rigorous imprisonment for a period of 6 months and to pay a fine of Rs.1000/- each. In default of payment of fine, to further undergo simple imprisonment for a period of 2 months.
U/S 325 IPC	Rigorous imprisonment for a period of 1 year and to pay a fine of Rs.1000/- each. In default of payment of fine, to further undergo simple imprisonment for a period of 2 months.

The FIR was registered on the basis of a statement made by Rajender Singh-complainant, alleging that he was resident of village Atawla and was running a motor repair shop at the bus stand. On 22.12.1999, complainant was working at his shop. In the meantime, Surja, armed with *lathi* (stick) & Baru Ram-accused, armed with frame of saw, came there. Surja gave a *lathi* (stick) blow, which hit on the head of the complainant. Baru hit the frame of the saw on the right side of the complainant. Upon this, complainant raised an alarm, which attracted Satish and Rajpal, who came and rescued the complainant from the clutches of the assailants. Thereafter, the accused ran away from the spot. Motive behind this occurrence was that the complainant had participated in the proceedings of Panchayat against the brother of Surja-accused. On the basis of the statement of the complainant, the FIR was registered and investigation was conducted. On completion of investigation, challan was presented.

After presentation of challan, charges under Sections 323 and 325 read with Section 34 IPC were framed against the accused-petitioners, to which, they pleaded not guilty and claimed trial.

In order to prove its case against the accused-petitioners, the prosecution examined Rajender Singh-complainant (PW-1), Dr. S.K. Gupta (PW-2), Raj Pal (PW-3), Dr. H.S. Randhawa (PW-4) and SI Mahender Singh (PW-5). Thereafter, the evidence of prosecution was closed.

Statements of accused-petitioners under Section 313 Cr.P.C. were recorded, wherein entire incriminating evidence was put to them. However, they denied the same and pleaded false implication. In defence, they examined one witness.

The trial Court, after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioners in the aforesaid terms. Appeal against the said judgment was dismissed by the Additional Sessions Judge, Panipat, vide judgment dated 20.01.2007. However, while dismissing the appeal, sentence for the offence under Section 325 IPC was reduced from one year to six months. Hence, this petition.

In his deposition, Rajender Singh-complainant (PW-1) had fully supported the case of the prosecution. He deposed that on 22.12.1999 when he was present at his shop, accused Baru Ram, armed with iron frame and Surja, armed with *lathi* came there. Thereafter, they inflicted injuries upon the complainant with their respective weapons. Upon this, the complainant raised hue and cry, which attracted Satish and Rajpal, who came and rescued him from the accused-petitioners. Dr. S.K. Gupta (PW-2) deposed that on 23.12.1999, he had medico-legally examined the complainant and found three injuries on his person. He prepared his MLR Ex.PW2/A and informed the police vide qua Ex.PW2/B. As per deposition of Dr. H.S. Randhawa (PW-4), he conducted radiological examination of the complainant on 24.12.1999 and found fracture in his 8th rib from right side.

Both the Courts have held that Rajender Singh-complainant (PW-1) and Raj Pal, eye witness (PW-3) have given the consistent account of events, which led to the occurrence. No evidence was led by the accused-petitioners to prove that they were falsely implicated in this case.

After going through the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, the impugned judgments are upheld and the present

petition is dismissed. However, a lenient view can be taken on the quantum of sentence.

The incident in the present case took place on 22.12.1999 and the petitioners have been facing the agony of a protracted criminal trial for the last more than 15 years. The sentence of the petitioners was suspended by this Court vide order dated 24.04.2007. The Additional Sessions Judge, Panipat, vide judgment dated 20.01.2007, had reduced the sentence of the petitioners from one year to six months for the offence under Section 325 IPC. As per the custody certificates, both the petitioners have already undergone 4 months and 4 days out of total sentence of six months. Keeping in view that they are facing criminal trial for the last more than 15 years, the sentence of imprisonment awarded to the petitioners is reduced to the period already undergone.

With the above modification, the petition stands disposed of.

20.01.2015
ajp

(RITU BAHRI)
JUDGE