

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

**Crl. Revision No.942 of 2006 (O&M)
Date of decision : 16.01.2015**

Bhagtu and others

...Petitioners

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

Mr. C.S. Bakhshi, Addl. AG., Haryana.

RITU BAHRI, J.

Challenge in this petition is to the judgment dated 28.04.2006 passed by the Additional Sessions Judge, Kaithal, dismissing the appeal filed by the accused-petitioners against the judgment of conviction dated 09.10.2002 and order of sentence dated 11.10.2002 passed by the Judicial Magistrate, Ist Class, Kaithal.

Vide judgment dated 09.10.2002/11.10.2002, passed by the trial Court, Mangat & Shiba (co-accused of the present petitioners) were released on probation. However, they were burdened to pay Rs.800/- (Rs.400/- each) as costs of proceedings, whereas the present petitioners namely Bhagtu, Chamela, Jiya and Pala were sentenced as under:-

Offence	Sentence
U/S 148 read with Section 149 IPC	Rigorous imprisonment for a period of five months and to pay a fine of Rs.150/- each. In default of payment of fine, to further undergo rigorous imprisonment for 10 days.

U/S 323 read with Section 149 IPC	Rigorous imprisonment for a period of three months and to pay a fine of Rs.100/- each. In default of payment of fine, to further undergo rigorous imprisonment for 5 days.
U/S 506 read with Section 149 IPC	Rigorous imprisonment for a period of five months and to pay a fine of Rs.150/- each. In default of payment of fine, to further undergo rigorous imprisonment for 10 days.

Out of the total amount of fine and costs of proceedings i.e. Rs.2400/-, Rs.2000/- were ordered to be given to both the injured namely Balbir Singh and Sultan (Rs.1000/- each) as compensation.

Balbir Singh-respondent No.2 filed a complaint before the trial Court, alleging that on 16.09.1993 at about 7.00 A.M., he was returning from his fields. When he reached near cremation ground of his village, all the accused namely Bhagtu, Mangat, Chamela, Shiba, Jiya, Pala and Ram karan (since expired) armed with deadly weapons i.e. *lathies* and *jellies*, came there and started inflicting injuries to the complainant and his companion Sultan. In the meantime, one Charan Singh son of Abhey Ram rushed to the spot and rescued them from the clutches of the accused. While leaving the spot, the accused threatened the complainant to face dire consequences. Injured Complainant and Sultan were taken to civil hospital, Kaithal, where they were medically examined. The reason behind this occurrence was that the accused wanted to teach a lesson to the complainant for not withdrawing an earlier complaint which was filed by his uncle Abhey Ram. On the next day, the matter was reported to the police, but no action was taken against the accused. Hence, the complaint.

The trial Court, after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioners in the aforesaid terms. However, their co-accused namely Mangat and Shiba were released on probation. Appeal against the said judgment was dismissed by

the Additional Sessions Judge, Kaithal, vide judgment dated 28.04.2006.

Learned counsel for the petitioners, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

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

Accordingly, the present petition is dismissed. However, a lenient view can be taken on the quantum of sentence. The remaining sentence of the petitioners was suspended by this Court vide order dated 26.05.2006. The petitioners have been convicted under Sections 148, 323, 506 read with Section 149 IPC. They were taken in custody on 28.04.2006. On the date of suspension of sentence, they had undergone 28 days in custody. The incident in the present case took place on 16.09.1993 and the petitioners have been facing the agony of a protracted criminal trial for the last more than 21 years. Moreover, it is a case of simple injuries. In these circumstances, the sentence of imprisonment awarded to the petitioners is reduced to the period already undergone. However, the petitioners are directed to pay compensation of Rs.5000/- to each of the injured namely Balbir Singh and Sultan.

With the above modification/direction, the present petition stands disposed of.

(RITU BAHRI)
JUDGE

16.01.2015
ajp