

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.802-2007 (O&M)
Date of Decision : 01.09.2015

Anwar Ram @ Anwar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ajay Sharma, Advocate for
Mr. A.P.Bhandari, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed against the concurrent conviction of the petitioner under Sections 325/323 IPC.

The petitioner got married in the year 1999. Just after one month of the marriage, there was some minor dispute between the husband-petitioner and wife-complainant, on which the accused-husband had given beatings to the complainant. The matter was patched up with the intervention of elders. Then on 02.10.2000, the accused-husband picked up a "Tongli" and gave a blow on her right leg and another blow on her left arm. Both the Courts below have

found the case against the petitioner proved beyond any reasonable doubt and consequently sentenced him to undergo rigorous imprisonment of 6 months. In appeal the petitioner sought the relief of probation but the Appellate Court considering the fact that he had beaten his newly wedded wife and had fractured her leg declined the benefit of probation to him. However, his sentence was reduced from 6 months to 3 months.

Learned counsel has argued that he would not press this petition on merits but the petitioner should have been granted the benefit of probation in the very least and his sentence be also reduced to that he has already undergone.

Learned Deputy Advocate General on the other hand has defended the judgment of the Appellate Court and has argued that in view of the fact the petitioner had beaten his newly wedded wife, the Appellate Court has rejected the prayer of probation but granted him the relief of reduction of sentence and therefore, the petition should be dismissed.

After hearing both the parties, in my opinion it would be appropriate if the sentence of the petitioner is reduced to two months since he has been facing the agony of trial for the past 10 years. Ordered accordingly.

Let him be arrested to serve out the remaining period of sentence.

Petitions stand disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

01.09.2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**