

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CRR No. 2751 of 2014 (O&M)
Date of Decision: 19.01.2015

Rajpal and others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vijay Kumar Shukla, Advocate, for
Mr. Sameer Sachdev, Advocate,
for the revisionists.

Mr. Chetan Sharma, AAG, Haryana,
for the respondent-State.

KULDIP SINGH, J. (ORAL)

Challenged in the criminal revision is the judgment dated 21.08.2014, passed by learned Additional Sessions Judge, Bhiwani, (for short 'appellate Court') affirming the judgment and order dated 09.07.2011/12.07.2011, passed by learned Sub Divisional Magistrate, Loharu, (for short 'trial Court') vide which they were charged and thereafter, convicted as sentenced as under:-

Name of convict	Under Section	Sentence
Rajpal, Billu and Deepak	323 read with Section 34 IPC	Rigorous imprisonment for a period of six months and also sentenced to pay a fine of ₹1,000/- and in default of payment of fine to further undergo simple imprisonment for a period of two months.
	325 read with Section 34 IPC	Rigorous imprisonment for a period of one year and also sentenced to pay a fine of ₹2,000/- and in default of payment of fine to further undergo simple imprisonment for a period of two months.

At the time of initial hearing, notice was issued only on the quantum of sentence.

I have heard learned counsel for the revisionists and learned State counsel.

Learned counsel for the revisionists has argued that the petitioners have already undergone more than five months of imprisonment and that petitioner No. 3, Deepak is the student of M.A. final year. It has been further argued that petitioner No. 1, Rajpal has got six minor children. He undertakes that the petitioners are ready to pay the compensation to the injured persons. A perusal of the report of the injuries show that on account of the injuries given by the accused, a fracture of left *ulna* of Mir Singh-injured was found. However, others injuries on the persons of Mir Singh and Subhash were found simple in nature.

Taking into consideration the nature of injuries and the contentions of learned counsel for revisionists, sentence of one year under Section 325, IPC, awarded to the accused is reduced to nine months. However, the remaining part of the sentence awarded under Sections 323 and 325 read with Section 34, IPC, is maintained.

With the aforesaid modification in the order of sentence, the petition fails and is dismissed.

(KULDIP SINGH)
JUDGE

January 19, 2015
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