

Crl. Revision No.370 of 2015

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

Crl. Revision No.370 of 2015 (O&M)
Date of decision: 07.05.2015

Tupa @ Ami Khan and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. N.S. Shekhawat, Advocate, for the petitioners.
Mr. Rajesh Gaur, Addl. A.G., Haryana.
Mr. Sarfraj Hussain, Advocate, for the complainant.

PARAMJEET SINGH, J. (ORAL)

Present criminal revision has been preferred by the petitioners against judgment dated 07.01.2015 passed by the learned Additional Sessions Judge, Mewat, whereby an appeal preferred by the petitioners against the judgment of conviction dated 07.10.2013 and order of sentence dated 10.10.2013 passed by learned Judicial Magistrate Ist Class, Mobile Court at Pinangwan, has been partly allowed, petitioners have been acquitted of the offence punishable under Section 506 IPC and have been sentenced as under: -

“U/s

Imprisonment & fine

In default

148 r/w 149 IPC

6 months S.I. & .

1 week S.I.

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Rs.100/- each

*323 r/w 149 IPC 6 months R.I. & 1 week S.I.
Rs.500/- each*

*324 r/w 149 IPC 1 year R.I. & 2 weeks S.I.
Rs.1000/- each*

*452 r/w 149 IPC 1 year R.I. & 2 weeks S.I.
Rs.1000/- each*

All the sentences have been ordered to run concurrently.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgments of the learned Courts below and in view of the ultimate prayer of the petitioners seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioners states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioners be suitably reduced as this criminal trial is hanging on their heads like damocle's sword for about six years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioners has further submitted that the FIR pertains to the year 2009 and since then a period of about six years has elapsed. The petitioners have suffered the ordeal for long period. Learned counsel for the petitioners further contends that the petitioners have already undergone more than four months (including

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remissions).

In view of the arguments advanced by learned counsel for the petitioners, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioners behind the bars further as the petitioners faced ordeal for about six years. It is a fit case wherein sentence awarded to the petitioners can be reduced to already undergone and they be burdened with compensation to be paid to the injured. Therefore, sentence is reduced to the period already undergone, subject to deposit of compensation of ₹ 50,000/- under Section 357 Cr.P.C with the trial Court to be paid to the injured in addition to the fine/compensation already imposed by the Courts below. Petitioner No.1 – Tupa @ Ami Khan and petitioner No.3 – Amrud @ Kala shall deposit ₹ 7500/- each and the remaining petitioners will deposit ₹ 7,000/- each. Out of the total amount of ₹ 50,000/-, ₹ 30,000/- shall be paid to injured Shakun and ₹ 10,000/- shall be paid to each of other two injured. The impugned judgments of conviction and orders of sentence, including default clause, stand affirmed with aforesaid modification. It is made clear that the petitioners shall be released only on deposit of the aforesaid amount and their sentence shall stand reduced upto their actual release. It goes without saying that if the amount of fine/compensation is not deposited, the petitioners will serve the remaining part of sentence.

With the observations made above, present revision petition is

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disposed of with a direction that the petitioners be released immediately upon deposit of amount of fine/compensation, if not required in any other case and their sentence shall be treated reduced upto their actual release, as aforesaid.

(Paramjeet Singh)
Judge

May 07, 2015
R.S.