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

CRR No.3704 of 2014 (O&M)

Date of decision: January 22, 2015

Vidya Rattan @ Chajju Ram

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Raman Sharma, Advocate
for respondent No.2.

SABINA, J

Respondents had faced trial in FIR No.72 dated 01.07.2010, under Sections 323 and 325 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Industrial Area Saha. Trial Court vide judgment/order dated 10.07.2013/ 11.07.2013 ordered the conviction and sentence of the petitioner under Section 323, 325 IPC. Appellate Court while upholding the conviction of the petitioner under Section 323, 325 IPC, reduced the sentence qua imprisonment of the petitioner from two years under Section 325 IPC to one year Rigorous Imprisonment. Hence, the present petition.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under Section 323, 325 IPC, but has submitted that sentence

qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned counsel has further submitted that petitioner is ready to pay ₹60,000/- to the respondent No.2 by way of compensation. Petitioner is not a previous convict and is presently admitted in General Hospital, Ambala and is a patient of Asthma.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him, subject to his deposit of ₹60,000/- with the trial Court by way of compensation to respondent No.2.

Accordingly, conviction of the petitioner under Section 323, 325 IPC is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him. Petitioner, who is in custody be set at liberty forthwith, if he is not required in any other case, subject to deposit of ₹60,000/- before the trial Court and the said amount deposited by the petitioner, be released to the respondent No.2 forthwith. It has also been brought to the notice of this Court that civil suit has been filed by respondent No.2 claiming damages. Petitioner would be at liberty to seek set off of the amount of ₹60,000/- paid by him to the respondent No.2 by way of compensation in the present case.

Petition stands disposed of, accordingly.

January 22, 2015

**(SABINA)
JUDGE**