

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

Crl. Revision No. 390 of 2015 (O&M)

Date of Decision: 23.04.2015

Subhash & Ors.

.. Petitioners

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. S.S. Duhan, Advocate
for the petitioners.**

Mr. Deepak K. Grewal, DAG Haryana.

ANITA CHAUDHRY, J.

The instant revision petition has been preferred against the judgment of conviction and order of sentence recorded by the Courts below.

FIR No.287 dated 26.11.2010 was registered at the instance of Lakhmi under Sections 148, 323, 324 and 326 IPC read with Section 149 IPC at Police Station Narnaund against the petitioners and Ram Niwas and Billu on the allegations that on 26.11.2000 all of them armed with deadly weapons assaulted and inflicted injuries upon Lakhmi.

Billu was tried separately being juvenile. Ram Niwas died during the trial.

Charge under Sections 148, 323, 324 and 326 read with Section 149 IPC was framed against the petitioners and the

prosecution examined seven witnesses.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record convicted the petitioners and sentenced them to rigorous imprisonment for three months under Section 148 IPC; rigorous imprisonment for six months and one year respectively under Section 323 and 324 IPC read with Section 149 IPC and two years' rigorous imprisonment with a fine of Rs.500 each under Section 326 read with Section 149. In default of payment of fine, the accused were directed to undergo further rigorous imprisonment for twenty days. All the sentences were ordered to run concurrently.

Dis-satisfied with the same, the accused preferred an appeal challenging their conviction and sentence while an appeal was filed by the complainant seeking enhancement of the sentence and compensation.

The Appellate Court below dismissed the appeal filed by the accused and partly allowed the appeal of the complainant. The accused were directed to deposit Rs.5000/- each in the Court, which on deposit was ordered to be disbursed to the complainant.

Aggrieved with the same, the accused have preferred the instant petition.

On 06.02.2015 when this revision petition came up for hearing before the a Coordinate Bench of this Court, learned counsel for the petitioner had not touched the merits of the case and had confined his submissions to the quantum of sentence

imposed upon the petitioner. Notice was issued on the limited question of quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the occurrence took place in the year 2000 and the petitioners have undergone the agony of a protracted trial for fifteen long years. He further submits that the petitioners are in custody for about seven months. He further submits that the petitioners are first offenders and during all these years they have not indulged in any similar offence. Counsel contends that the petitioners are ready to pay additional amount as compensation to the complainant.

In view of the circumstances appearing in this case, it will be appropriate if the sentence of the petitioners is reduced to the one already undergone by them. However, the sentence of fine is maintained. The petitioners shall also pay a additional sum of Rs.20,000/-(to be apportioned by them equally) to the complainant as additional compensation. The amount, if deposited, be disbursed to the complainant. In case the petitioners fail to deposit the said amount within a period of one month, this revision petition shall be deemed to be dismissed and the petitioners would undergo remaining period of their sentence as imposed by the trial Court. However, it is made clear that all the sentences under various sections will run concurrently. On deposit of the fine amount imposed by the trial Court, the

petitioners be set at liberty, if not required in any other case.

With the above modification, the instant revision
petition stands disposed of.

April 23, 2015
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(ANITA CHAUDHRY)
JUDGE