

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

**C.R.R. No.4291 of 2014 (O&M)
Date of Decision : 12.01.2015**

Hardip Kumar @ Goga and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

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Present: Mr. S.K. Daaria, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

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.

Custody certificates filed in Court by way of affidavits of Davinder Kumar Sidhu, Superintendent, Central Jail, Gurdaspur are taken on record.

This revision petition has been filed against the concurrent judgments of the Courts below convicting the petitioners and sentencing them to undergo rigorous imprisonment of 1½ years under Sections 323, 324, 325 IPC read with Section 149 IPC.

The allegations were that on 23.10.2005 when he was running his sugercane crusher, the petitioners, who were armed with sharp edged weapons, came to his shop and caused injuries to him. The plea of the petitioners were that they have been falsely implicated and in the absence of any independent corroboration, the prosecution case cannot be said to be fully established against the petitioners, beyond any shadow of reasonable doubt. As per the medical evidence, the wound was an incised wound. The trial Court after considering all the evidence on record held that the story of the complainant was not concocted and held the petitioners guilty and convicted them as mentioned above. The petitioners filed the appeal and the Appellate Court also upheld the decision given by the trial Court. Hence, the petitioners before this Court.

The main arguments of learned counsel for the petitioners are that the present case is a counter blast to FIR No.160 dated 23.10.2005 which had been registered by the petitioner No.2 against the complainant and that the petitioners have been falsely implicated. He has further argued that the petitioners No.1 and 4 were armed with stick and the petitioners No.3 and 6 were armed with sota and they were attributed simple injuries. He has further argued that the said petitioners have already undergone actual sentence of 1 month out of the total sentence.

Learned Additional Advocate General has denied the fact that the petitioners have been falsely implicated. However, she has accepted the fact that the injuries attributed to the petitioners No.1, 3, 4 and 6 were simple in nature.

The Courts below had considered these facts and come to the conclusion that the complainant had brought home the accusation he had made against the petitioners.

I find no reason to take a different view to that taken by the Courts below. However, in view of the fact that the injuries attributed to the petitioners No.1, 3, 4 and 6 were simple in nature and they have undergone almost 1 month, I deem it appropriate to reduce the sentence of the petitioners No.1, 3, 4 and 6 to that which they have already undergone. Ordered accordingly.

Petition stands disposed of qua petitioners No.1, 3, 4 and 6 and the said petitioners be released forthwith.

Petition stands dismissed qua rest of the petitioners.

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

January 12, 2015

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**(AJAY TEWARI)
JUDGE**