

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.4442-2015
Date of decision : 17.12.2015

Ravinder Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S.Hooda, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

- 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. (Oral)

This revision petition has been filed against concurrent conviction of the petitioner under Sections 323 and 325 read with Section 34 IPC whereby the petitioner was sentenced to undergo imprisonment as under :-

S.No.	Under Sections	Sentence
1	323 IPC	Rigorous imprisonment for six months and to pay a fine of Rs.500/- each.
2	325 IPC	Rigorous imprisonment for two years and to pay fine of Rs.1,500/- each.

In default of payment of fine further imprisonment of 15 days was awarded. Both the sentences were ordered to run concurrently. Apart from this, the petitioner was directed to pay Rs.25,000/- to the complainant for pain and suffering.

The prosecution case in nutshell is that on 21.09.2009 complainant Haiya Lal was going to his fields. He was intercepted by the petitioner. There was exchange of words between the complainant and petitioner over the use of common passage. Petitioner, his mother Santosh and brother Narender assaulted the complainant, who was rescued by his brother Azad Singh.

Challan against Ravinder and Santosh was filed while Narender, being juvenile was tried separately by the Juvenile Justice Board.

The trial culminated into conviction of Ravinder and Santosh. Ravinder was sentenced in the manner indicated above while Santosh, being old age lady was released on probation.

The appeal filed by Ravinder was dismissed, leading to the institution of present revision petition.

During the hearing, learned counsel has not touched the merits of the case, however, he has prayed for lenient view so far as sentence awarded to the petitioner is concerned.

Custody certificate has been filed in Court which is taken on record. A perusal thereof reveals that the petitioner has undergone about 9 months of sentence. Though he was involved in another case, but that has ended in his acquittal. The occurrence is of year 2009. The incident took place at the spur of moment.

For the reasons above, the conviction of the petitioner is maintained. However, keeping the circumstances into view, the sentence awarded to the petitioner under Section 325 IPC is reduced to the period of one and a half year. Sentence of fine is maintained.

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

17.12.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**