

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

**Criminal Revision No.861 of 2014 (O&M)
Date of decision: 25.02.2015.**

Sushil Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest.**

Present: Mr. H.S. Sullar, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for the respondent – State.

Daya Chaudhary, J.

The present revision petition has been filed to challenge the judgment dated 20.02.2014 passed by Sessions Judge, Ambala, whereby the judgment of conviction and order of sentence dated 04/06.10.2012 of Judicial Magistrate Ist Class, Ambala has been affirmed.

Briefly, the facts of the case are that FIR No.267 dated 13.10.2005, under Sections 148, 149, 323, 324, 326 and 506 of Indian Penal Code was registered at Police Station Baldev Nagar against Sushil Kumar, Deepak Kumar @ Deepu, Rajnish Kumar and Pavitar

Singh @ Rinku. All the accused faced trial for said offences and they were convicted and sentenced as under: -

Sr. No.	Under sections	Sentence
1	323 IPC read with Section 34 IPC	To undergo simple imprisonment for a period of six months each.
2	324 IPC read with Section 34 IPC	To undergo simple imprisonment for a period of one year each.
3	326 IPC read with Section 34 IPC	To undergo simple imprisonment for a period of three years each.
4	506 IPC read with Section 34 IPC	To undergo simple imprisonment for a period of six months each.

All the sentences were ordered to run concurrently vide order dated 06.10.2012.

Aggrieved against the said judgment of conviction and order of sentence, the petitioner preferred an appeal before Sessions Judge, Ambala but the same was dismissed qua Sushil Kumar and judgment of conviction and order of sentence passed by the trial Court was upheld. The appeal qua the remaining three accused was allowed and judgment of trial Court was set-aside and they were acquitted of the charges.

After losing the case before the two Courts below, the petitioner-Sushil Kumar has filed the present revision petition to challenge the judgment of the trial Court as well as judgment of the Appellate Court.

Notice of motion in the case was issued qua to quantum of sentence only.

Learned counsel for the petitioner submits that the

petitioner is a poor person and the sole bread earner of his family. The petitioner has faced the agony of trial since registration of FIR i.e., 13.10.2005 and is a young man of 26 years of age. Learned counsel further submits that the petitioner is ready to compensate the injured in monetary terms, in case, his sentence is reduced to the period already undergone as he has undergone actual sentence of more than one year against total sentence of three years.

Learned State counsel has not disputed the custody period undergone by the petitioner and other submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the petitioner as well as of learned State counsel.

Keeping in view the submissions made by counsel for the petitioner and also the fact that the petitioner is a poor person and is a young man of 26 years of age; he is not involved in any other criminal case; the fact that the petitioner is facing criminal litigation since registration of FIR i.e., 13.10.2005; moreover, notice of motion was issued qua quantum of sentence only; and the fact that he is ready to compensate the injured in monetary terms, the conviction of the petitioner is upheld and his sentence is reduced to the period already undergone by him subject to deposition of an amount of ₹30,000/- by way of draft in the name of complainant-injured with the trial Court within a period of one month from the date of receipt of certified copy of the order.

In case, the petitioner fails to deposit the said amount within the stipulated period, this revision shall be deemed to have been dismissed and the petitioner shall have to undergo the remaining period of sentence as per judgment passed by the trial Court.

The revision petition is disposed of with the modification of sentence by upholding the judgment of conviction.

25.02.2015
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(DAYA CHAUDHARY)
JUDGE