

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

Criminal Revision 1149 of 2008
Date of Decision : October 18, 2016

Chajju Ram		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. V.D.Sharma, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

T.P.S.MANN, J. (Oral)

The petitioner was tried for committing offences punishable under Sections 332, 353 and 506 IPC. Vide judgment and order dated 17/19.3.2007, learned Additional Chief Judicial Magistrate, Jind, convicted him for the aforementioned offences and sentenced him as under:-

- (i) Rigorous imprisonment for a period of one year under Section 332 IPC;
- (ii) Rigorous imprisonment for a period of six months under Section 353; and
- (iii) Rigorous imprisonment for a period of six months under Section 506 IPC.

All the sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the

petitioner preferred an appeal but remained unsuccessful as it came to be dismissed by the learned Additional Sessions Judge, Jind vide judgment dated 23.5.2008. Still not satisfied, he filed the present revision, which was admitted on 23.9.2008 and his sentence was also suspended.

According to the prosecution, Sh. Rameshwar Prashad, Process Server, submitted an application on 27.8.1999 before the Additional Chief Judicial Magistrate, Jind, that he was posted as Process Server in Jind Court and was handed over summons on 26.8.1999 for service of the petitioner and his two sons. When he went to village Anupgarh for service at 7.00 a.m., the petitioner received summons but stated that his sons were serving in Forest Department, Jind. When the complainant was coming back, he was informed by some one that the petitioner's son Manoj just gone to his house. Accordingly, the complainant again went for effecting service upon the petitioner's son. While in the street, the petitioner caught hold of him from his neck and asked as to how much money he had taken from the plaintiff. While the complainant tried to save himself, the petitioner took out the summons from his pocket and tore them as well as his pocket. The petitioner gave two slaps and handed over the summons by telling him to give the same to the officer. The petitioner also asked the complainant to run away from there and threatened that in case he again came to his village with the summons, he would run over his

motor-cycle upon him. The complainant saved his life by running away from the spot.

Learned counsel for the petitioner states that he does not challenge the conviction of the petitioner as recorded by the learned Courts below. He, however, submits that the petitioner is facing the agony of criminal prosecution for the last more than seventeen years. He is suffering from heart problem, for which, he had been receiving treatment from All India Institute of Medical Sciences, Delhi. He is not a previous convict. Out of the sentence of one year imposed upon him, he has already undergone a period of about four and half months. Prayer has, accordingly, been made for giving a reprieve to him in the matter of sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the petitioner had no respect for law as he assaulted the Court official besides tearing the summons issued by the Court for effecting service upon him and his sons. Learned State counsel has, however, produced the custody certificate, as per which, the petitioner has undergone an actual sentence of four months and eight days. He is also not shown to be involved or convicted in any other criminal case.

Having heard learned counsel for the parties, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining

sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him. At the same time, he can be burdened with fine for committing the offence under Section 332 IPC.

Resultantly, the conviction of the petitioner for the offences under Sections 332, 353 and 506 IPC, as recorded by the learned trial Court and upheld by the lower appellate Court, is upheld. The substantive sentences of imprisonment on all the counts shall stand reduced to the one already undergone by him. However, the petitioner is burdened with Rs.5,000/- as fine for the offence under Section 332 IPC. The said amount of fine be deposited with the trial Court within three months from today, failing which, the petitioner shall be required to undergo simple imprisonment for three months.

The revision is, accordingly, disposed of.

October 18, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No