

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 223

Criminal Revision No.1734 of 2009 (O & M)
Date of Decision: *July 26, 2016*

Prem Singh & others
..... PETITIONERS

VERSUS

State of Haryana
..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

PRESENT: - Mr. Salil Bali, Advocate, for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana, for respondent No.1 – State, assisted by
Mr. K.D.S. Hooda, Advocate, for the complainant.

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Jaspal Singh, J

1. The instant revision petition has been preferred by the petitioners against judgment dated July 10, 2009 passed by the Additional Sessions Judge, Jind, whereby judgment of conviction and order of sentence dated June 7, 2008 passed by the trial court, in case FIR No.101 dated February 28, 2002, under Sections 148, 149, 323, 324, 325 and 326 read with Section 34 IPC, registered at Police Station, City, Jind. The petitioners were convicted and sentenced as under:-

U/s	RI	Fine (₹)	In default (RI/SI)
Section 323 IPC r/w Section 34 IPC	6 months each	500/- each	One month SI
Section 325 IPC r/w Section 34 IPC	1 year each	1000/- each	Two months SI

2. At the very outset of arguments, learned counsel for the petitioners submits that he does not press the petition qua conviction, however, the petitioners be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioners under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioners is upheld.

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioners are facing the agony of protracted trial for the last more than 14 years after registration of the instant case and are first offenders, there is no other case of similar nature, either pending or disposed of, against the petitioners, who have also suffered incarceration, as is evident from custody certificate dated July 25, 2016. Thus, this Court is of the considered view that a chance be given to the petitioners to reform & improve themselves; to become good citizen; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioners is upheld but the sentence imposed upon them by the courts below is reduced to the period already undergone by them, with no change in fine clause. In addition to it, petitioners are directed to deposit an amount of ₹ 20,000/- each, as compensation, in the court of concerned Chief Judicial Magistrate within one month, with prior intimation to the injured. The aforesaid amount so deposited shall be

disbursed to the injured.

5. With the above modification in sentence, revision petition stands dismissed.

July 26, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No