

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1611 of 2012 (O&M)
Date of Decision: April 27, 2016

Ramesh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jai Vir Yadav, Advocate
for the petitioner.

Mr.Himmat Singh, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ramesh against State of Haryana, challenging the impugned judgment of conviction dated 21.01.2011 and order of sentence dated 24.01.2011 passed by learned Sub Divisional Judicial Magistrate, Assandh, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- under Section 323 IPC and to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- under Section 324 IPC and in case of default of payment of fine, to undergo simple imprisonment for a period of one month and also challenging the judgment dated 08.05.2012 passed by learned Sessions Judge,

Karnal, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued and learned State counsel appeared and contested the revision petition.

At the time of preliminary hearing, learned counsel for the petitioner did not contest the concurrent findings of the Courts below regarding conviction and only prayed for reduction of the sentence.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The brief facts of the case as noted down by learned SDJM, Assandh, in his judgment are under:-

“The criminal prosecution against the present accused was launched on the complaint of complainant Ravinder son of Arjun Singh, Rajpur, resident of Uplana, wherein he alleged that on dated 9.5.2003 at noon he went to see his animals in his fields. On reaching the fields it was found that the animals were not found tying there. Rather, the animals were found grazing in the nearby fields. When eh asked aforesaid Ramesh, whose fields are situated near his fields, about the tying ropes of the animals, the accused handed over one tying rope stating he did not know about the other ropes and starting abusing him. When he asked the accused not to abuse, he run towards him in order to beat him and he came back to his fields. At about 3.45 p.m. accused Ramesh having a gandasi in his hands came to his fields and gave a gandasi blwo from back side on his head, which hit on his head on the right side. When he turned back, the accused gave another gandasi blow on his head, which hit on his head on the left side. He made noises of rescue, upon which accused Ramesh gave a gandasi blow from reverse side on his left side around the ear (kanpati). On hearing the noise of rescue Rajpat son of Molad and father of complainant namely Arjun Singh son of Har Singh, who were watching the occurrence from some distance came there. On seeing coming them the accused fled from the spot along with the weapon of offence. Thereafter, he became unconscious. His father shifted him to Civil Hospital, Assand. On this statement and on receipt of MLR a case under Sections 323/324 of Indian Penal Code was registered. The investigation was conducted.

Investigating Officer recorded the statements of witnesses under Section 161 Cr.P.C. Accused was arrested and on completion of the investigation, the challan was presented in Court against the accused.”

From the record, I find that only simple injuries have been given under Section 323 and 324 IPC. The accused-petitioner is stated to be an old person of more than 50 years and only bread earner of the family. The accused-petitioner has already deposited ₹50,000/- to be disbursed to the injured in compliance of order dated 09.11.2012. Further, I find that the petitioner is suffering from long protracted criminal proceedings since 2003.

In view of the above discussion, the sentence of the petitioner is reduced to already undergone by him.

Resultantly, the present revision petition stands partly allowed. Since, petitioner Ramesh is on bail, his bail bonds stand discharged.

It is further directed that the compensation of ₹50,000/- deposited as interim relief by the petitioner, if not disbursed, be disbursed to the injured as per law.

April 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE