

Criminal Revision No.3290 of 2012

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 234-A

Criminal Revision No.3290 of 2012

Date of Decision: *August 10, 2016*

JAGDISH AND ANOTHER

..... PETITIONERS

VERSUS

STATE OF HARYANA

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Sartaj Singh Toor, Advocate with
Mr. Manraj Singh, Advocate, for the petitioners.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Jagdish & Siria challenging judgment of conviction dated July 26, 2010 and order of sentence dated July 29, 2010, passed by the Judicial Magistrate Ist Class, Kaithal, in case bearing FIR No.144 dated June 16, 2002, under Sections 326, 325, 324, 323 & 34 of IPC, Police Station Sadar Kaithal as well as judgment dated September 25, 2012, passed by learned Additional Sessions Judge, Kaithal. Vide judgment of conviction dated July 26, 2010 and order of sentence dated July 29, 2010, they were convicted and sentenced as under:-

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Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Jagdish and Siria	148 read with Section 149 IPC	One year	500/-	One week
	323 read with Section 149 IPC	Two months	100/-	One week
	324 read with Section 149 IPC	Two years	500/-	Two weeks
	325 read with Section 149 IPC	Two years	500/-	Two weeks
	326 read with Section 149 IPC	Three years	1000/-	Three weeks

Dis-satisfied with the aforesaid judgment/order of conviction and sentence, the accused – petitioners preferred an appeal wherein, the Lower Appellate Court vide judgment dated September 25, 2012, upheld the conviction, however, reduced the sentence as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Jagdish	148 read with Section 149 IPC	One year	500/-	One week
	323 read with Section 149 IPC	Two months	100/-	One week
	324 read with Section 149 IPC	One year	500/-	Two weeks
	325 read with Section 149 IPC	One year	500/-	Two weeks
	326 read with Section 149 IPC	Two years	1000/-	Three weeks

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Siria	148 read with Section 149 IPC	One year	500/-	One week
	323 read with Section 149 IPC	Two months	100/-	One week
	324 read with Section 149 IPC	One year	500/-	Two weeks
	325 read with Section 149 IPC	One year	500/-	Two weeks

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

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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 modified by the lower appellate court. Apart from the fact that petitioners are facing the agony of protracted trial for approximately 14 years & 02 months after registration of the instant case; they are poor persons; are sole bread winners of their family. Accused – petitioners are also first offender. Moreover, petitioners had already suffered incarceration approximately 08 months, as is evident from custody certificate dated August 09, 2016 of Jagdish and January 23, 2016 of Siria and calculated upto date of suspension of sentence i.e. March 12, 2013. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve themselves; to become good responsible citizens/persons.

5. 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.

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

August 10, 2016
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(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

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Whether reportable

Yes/No