

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.3226 of 2013

DATE OF DECISION: August 03,2016

Lilu Ram and others

...Petitioners

versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present: Sh. K.S.Dhanora, Advocate for the petitioners.
Mr.Vikas Malik, DAG, Haryana.

AJAY TEWARI, J.(ORAL)

The petitioners were convicted by the Judicial Magistrate Ist Class, Fatehabad for offence under Sections 323 read with section 34 IPC vide judgment dated 2.12.2011 and were sentenced to undergo RI for two months and under Section 325/34 IPC RI for one year and fine of Rs.1,000/- each with default clause vide order dated 6.12.2011.

Aggrieved by judgment of conviction and order of sentence, the petitioners filed an appeal before Additional Sessions Judge, Fatehabad which was dismissed on 20.9.2013 and judgment of trial Court was upheld.

The petitioner after loosing before the two Courts below has approached this Court by way of filing the revision petition.

According to the prosecution, on 16.8.2006 the petitioners in furtherance of their common intention caused injuries to Balbir and Paramjeet.

On the threshold, learned counsel for the petitioners showers various arguments, but when this Court was not convinced, he submits that he does not wish to challenge the judgment of conviction and prays for reduction of sentence. He submits that the petitioners have already undergone actual sentence of more than three months against total sentence of one year and they are facing agony of trial for the last about ten years. He also submits that the lenient view may be taken in the matter.

Learned State counsel has not disputed the custody period but opposes the prayer of the petitioners.

Heard arguments of learned counsel for the parties and have also perused the judgments of both the Courts below.

Keeping in view the circumstances and submissions as mentioned above, while maintaining the conviction, it would be in the interest of justice to reduce their sentence to the period of five months.

Accordingly, it is directed that now the petitioners are to surrender before the Chief Judicial Magistrate/Duty Magistrate, Fatehabad to serve the remainder part of sentence.

With the observations made above, the present revision petition is disposed of.

August 03, 2016
KD

(Ajay Tewari)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No