

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1005 of 2016 (O&M)

Date of decision: 10.05.2016

Satbir and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Aditya Sanghi, Advocate for the petitioners
Mr.Naveen Sheoran, DAG Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Satbir and Dharambir filed the present revision against judgment wherein they were convicted under Section 324 IPC and were sentenced to undergo rigorous imprisonment for one year and fine of Rs.1000/- each, in default thereof, to further undergo simple imprisonment for one month by the learned Additional Sessions Judge, Rewari vide judgment dated 23.2.2016, upholding the judgment of conviction dated 25.2.2014 and order of sentence dated 26.2.2014 passed by learned Judicial Magistrate 1st Class, Rewari. However, they were acquitted of the offences under Section 323, 506 and 34 IPC by learned Additional Sessions Judge, Rewari. Initially they were convicted under Sections 323, 324, 506 read with Section

34 IPC by learned Judicial Magistrate 1st Class, Rewari.

At the time of arguments, the revision has been pressed only on the quantum of sentence.

Perusal of the judgment of the lower Court shows that the petitioners Satbir and Dharambir were alleged to be armed with long sickle and gave injury on the head of Kapur Singh injured. The statement of doctor shows that two incised wounds were found on the head. One was on the right side of the forehead and the other was on the right side of intro occipital region of the head. It goes to show that injuries were given on the head. It also comes out that it is a cross case, where both the parties received injuries. In the other cross case, the petitioner has been granted benefit of probation.

Learned counsel for the petitioners states that keeping in view nature of the injuries, the petitioners are ready to pay the compensation to the injured Kapur Singh. No previous conviction is alleged against the petitioners.

Therefore, while maintaining the conviction of the petitioners under Section 324 IPC, the order of sentence is set aside and they are ordered to be released on probation on their furnishing probation bonds in the sum of Rs.25,000/- each with like surety under Section 4(1) of the Probation offenders Act, 1958 for the period of one year with undertaking to maintain peace and be of good behaviour, failing which, they shall surrender before the lower Court to undergo the remaining part of the sentence. Both the petitioners shall pay a compensation of Rs.25,000/- each i.e. Total Rs.50,000/- to Kapur Singh injured under Section 357 Cr.P.C. within a period of one month.

The compensation shall be deposited before the trial Court payable to the injured Kapur Singh.

The revision is accordingly, partly allowed and partly dismissed.

10.05.2016
gk

(Kuldip Singh)
Judge