

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Revision 2591 of 2014
Date of Decision : May 13, 2016

Ramesho and others

.....Petitioners

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Satbir Gill, Advocate

Mr. Dhruv Dayal, Deputy A.G., Haryana

T.P.S. MANN, J. (Oral)

The petitioners alongwith Balwant son of Arjan Singh were tried for committing the offences punishable under Sections 332/353/186/34 IPC. During the pendency of the trial, accused Balwant son of Arjan Singh died and, accordingly, proceedings against him were dropped. Vide judgment and order dated 29/31.10.2013, learned Sub Divisional Judicial Magistrate, Ellenabad convicted them under Section 332 read with Section 34 IPC and sentenced them to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 2,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of three months. They were further convicted under Section 353 read with Section 34 IPC and

sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 2,000/- each and in default of payment of fine, to undergo further rigorous imprisonment for a period of three months. They were also convicted under Section 186 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.500/- each and in default of payment of fine, to undergo further rigorous imprisonment for a period of fifteen days. All the sentences were ordered to run concurrently. The fine imposed upon them was deposited by the petitioners there and then.

Aggrieved of their conviction and sentences, the petitioners filed an appeal. Vide judgment dated 13.6.2014, learned Additional Sessions Judge, Sirsa while finding no merit in the appeal, dismissed the same. Still not satisfied, they filed the present revision which was admitted on 18.9.2014 and they were released on bail.

The case of the prosecution has been noticed by the learned lower appellate Court in para 2 of its judgment which is reproduced here below:-

“The brief facts for disposal of the instant appeal are that Vikas Thukral JE, Chiranji Lal Driver and Ramesh Kumar Lineman under SDO Operation Sub Division Rania moved the complaint to SDO, DHBVN Rania regarding causing obstructions in discharge of public duty and also for causing injuries. It is stated that on 29.5.2006 they had

gone to the field of Jhanda Singh son of Arjun Singh, resident of Theri Mohar Singh for effecting the permanent disconnection order of the tubewell on account No. R10-220AP while accompanied with the police party. When they were performing their duty, then Balwant Singh son of Arjun Singh, Ramesho Bai, Kartaro Bai wife of Balwant Singh and Chindo Bai wife of Kaken Singh and other 2-3 women picked up a quarrel with them and abused them. They had attacked Ved Parkash Lineman with sharp edged weapon. Ved Parkash sustained injuries in his hand. Later on, he had informed his SDO and SHO Rania telephonically regarding the incident and later on Ved Parkash was freed from the clutches of the accused on reaching of additional police force and who was hospitalized at Rania in a severe injured condition and he was profusely bleeding. The doctor referred him to G.H. Sirsa. Later on Ved Parkash was hospitalized at G.H. Sirsa. He has prayed for taking action to SDO Operation Rania, who forwarded the original complaint to SHO, PS Rania to lodge the FIR against delinquent persons, so that the official work could be done without any fear. On the basis of complaint from SDO case FIR No. 156 dated 29.5.2006 u/s 147/148/332/353/186 IPC PS Rania was registered.“

At the trial of the case, the prosecution examined Ved Parkash, Lineman as PW1, Ramesh Kumar, ALM as PW2, Vikas Thukral, J.E. as PW3, Kamla Devi as PW4, EHC Balwant Singh as PW5, ASI Sajjan Kumar as PW6, Dr. H.R.Vasir as PW7,

Dr.Savneet Gill as PW8, M.L.Sukhija SDO as PW9, Inspector Dalip Singh as PW10 and Chiranji Lal Driver as PW11.

When examined under Section 313 Cr.P.C., the petitioners pleaded their false implication. In defence, they examined Dr. S.L.Aggarwal as DW1, Manoj Mehta Criminal Ahlmad as DW2, Gurdev Singh as DW3 and Ranjit Singh as DW4 and they relied documents from Ex. D8 to Ex. D15, Mark-A to Mark-1, Ex.D4 to Ex. D7.

Both the Courts below believed the prosecution case and, accordingly, convicted and sentenced the petitioners, as mentioned above.

Having heard learned counsel for the parties and on going through the judgments passed by the Courts below, this Court finds that PW1 Ved Parkash, Lineman, PW2 Ramesh Kumar, ALM and PW3 Vikas Thukral, JE have testified about the manner in which the petitioners alongwith their co-accused had quarrelled and abused them followed by causing injuries to Ved Parkash, Lineman. The injuries on the person of Ved Parkash have been duly brought on record by the prosecution by examining PW7 Dr. H.R.Vasir and PW8 Dr. Savneet Gill. The prosecution case further stands corroborated by the testimonies of the Investigating Officer. Under these circumstances, no fault can be found with the conviction of the petitioners for the various offences.

As regards the quantum of sentence, it may be noticed that the petitioners, who all are ladies, are facing the agony of criminal prosecution for the last about ten years. The injuries attributed to them were simple in nature. While Kartaro Bai @ Taro petitioner is 75 years of age, Ramesho and Chhindo Bai are aged 42 years and 41 years respectively. None of them is shown to be a previous convict. While being examined by the trial Court on the quantum of sentence, Ramesho and Chhindo Bai had pleaded that they were poor persons and having minor children to look after whereas Kartaro Bai @ Taro had stated that she usually remained ill. As per the custody certificates produced by the learned State counsel, Ramesho and Chhindo Bai have already undergone total sentence including remissions of six months and twenty days whereas Kartaro Bai @ Taro has undergone six months and sixteen days.

Taking into consideration the totality of the circumstances, this Court is of the view that the petitioners, who are on bail for the last about 1½ years, need not be sent behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice would be amply met if their sentences of imprisonment on all the counts are reduced to the one already undergone by them. At the same time, the fine of Rs.2,000/- imposed upon them for the offences under Sections 332/34 IPC can be suitably enhanced.

Resultantly, the conviction of the petitioners for the offences under Section 332 read with Section 34 IPC, Section 353 read with Section 34 IPC and Section 186 read with Section 34 IPC is upheld. Their substantive sentences of imprisonment on all the counts shall stand reduced to the one already undergone by them. The fine imposed upon them for the offences under Section 353 read with Section 34 IPC and Section 186 read with Section 34 IPC alongwith their default clauses are maintained. However, the sentence of fine of Rs. 2,000/- imposed upon each of the petitioners under Section 332 read with Section 34 IPC is enhanced to Rs. 8,000/-. The enhanced amount of fine be deposited by them with the trial Court within three months from today failing which they shall undergo rigorous imprisonment for six months.

But for the modification in the quantum of sentences of imprisonment and fine, as indicated above, the revision fails and is, therefore, dismissed.

May 13, 2016
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(T.P.S. MANN)
JUDGE