

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1858 of 2016 (O&M)

Date of decision: 02.06.2016

Sitender @ Sikender and others

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ravinder Singh Dhull, Advocate for the petitioners
Mr.Pawan Gaur, 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)**

Present petitioners, namely, Sitender @ Sikender, Ram Karan, Gurdeep, Rajinder along with Jaideep (not the petitioner) were convicted by learned Additional Chief Judicial Magistrate, Jind vide judgment of conviction dated 6.8.2013 and order of sentence dated 12.8.2013 for commission of offences punishable under Sections 323, 325 read with Section 149 and Section 148 IPC and sentenced as under:-

<i>Under Section 148/149 IPC</i>	Rigorous Imprisonment for a period of six months each
<i>Under Section 323/149 IPC</i>	Rigorous Imprisonment for a period of one year each
<i>Under Section 325/149 IPC</i>	Rigorous Imprisonment for a period of three years each and to pay fine of Rs.1000/- each. In case of non-payment of fine, convicts shall further undergo rigorous imprisonment for three months each.

Appeal filed by the petitioners was dismissed by learned Additional Sessions Judge, Jind vide judgment dated 30.3.2016.

At the time of motion hearing, notice was issued to the State only on the quantum of sentence.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the petitioners has produced the chart of injuries which shows that there was one grievous injury on the left forearm of Kuldeep injured. None of the injuries on the person of Balram were proved to be grievous and all the injuries were found to be simple in nature caused by blunt weapon. Injury on the person of Kuldeep was also caused with blunt weapon. Similarly first injury on the person of Krishan was found to be old fracture. Kuldeep injured received two injuries. Balram injured received four injuries. It is stated that all the family members have been convicted and the sentence passed is quite harsh.

Considering the facts and circumstances of the case sentence of Rigorous Imprisonment for three years under Section 325 IPC read with Section 149 IPC is reduced from three years to one year. The sentence of fine is maintained. Sentence passed under Section 323 read with Section 149 IPC and Section 148 IPC is also maintained.

With this modification, the revision is dismissed.

02.06.2016
gk

(Kuldip Singh)
Judge