

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

**CRR No.2033 of 2016 (O&M)
Date of Decision: August 10, 2016**

Chinu and others

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Johan Kumar, Advocate
for the petitioner.

Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Chinu, Parmod alias Vinod and Rama Nand alias Rama under Section 401 Cr.P.C. against respondent State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 28.04.2015 passed by learned Judicial Magistrate Ist Class, Panipat, vide which the petitioners were convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of ₹1000/- each under Section 323 IPC and to undergo simple imprisonment for a period of one year and to pay fine of ₹2000/- each under Section 325 IPC and in default of payment of fine, to undergo simple imprisonment for a period of one month and also challenging the judgment dated 16.04.2016 passed by learned Addl.

Sessions Judge, Panipat, vide which appeal filed by petitioners was

dismissed. Both the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

The brief facts of the case as noted down in the judgment passed by learned JMIC, Panipat, are as under:-

“2.The brief version of prosecution is that on 08.07.2009, information was received that Complainant Dayanand son of Sh.Chattar Singh, was admitted to Government Hospital, Panipat in injured condition and deposed that on 08.07.2009, regarding the partition of their land, Panchayat was convened outside their house in the street on the same day, in which is brother Ramanand etc. had sought time of one week and after the said time lapsed, upon being asked to comply with the settlement entered into, Ramanand started abusing the Complainant Party. He asked his accompanying member Parmod to bring lathi kept in the house, to teach the Complainant a lesson for engaging in his pursuit of the disputed land. At this, Parmod @ Vinod and Rama with lathi and sariya in their hands, hit the Complainant.

3. Thereafter, Parmod with sariya in his ahnd, hit the Complainant upon his right hand/elbow, Ramanand son of Sh.Chattar Singh caught hold of Complainant and Chinu son of Sh.Ramanand also came running and having a danda in his hand surrounded the Complainant, Karambir and Devi Singh son of Sh.Jai Kishan, arrived to intervene in between and attempted to rescue Complainant and accused persons with weapons in their hands ran away from the spot. He stated that occurrence resulted at about 07.00 PM, Ramphal son of Sh.Dayanand got the Complainant admitted to the hospital.”

Learned JMIC, Panipat, after appreciating the evidence, convicted and sentenced the petitioners as stated above. An appeal was filed by the petitioners and the same was dismissed by learned Addl.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioners argued that petitioners are suffering from criminal proceedings since the year 2009. He further contended that the injuries are on non-vital part of the body i.e. hand and the injuries are simple. He also contended that the petitioners are first offenders, only bread earners of the family and have already undergone 3 months and 24 days of actual sentence as per custody certificates.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioners are suffering from long protracted criminal proceedings since 2009 i.e. for the last about seven years and they are first offenders, only bread earners of the family and have already undergone imprisonment of about 4 months, the sentence imposed upon the petitioners is reduced to the sentence already undergone by them. However, the sentence of fine and default thereof, shall remain the same.

Resultantly, the present revision petition stands partly allowed.

Petitioners Chinu, Parmod alias Vinod and Rama Nand alias Rama, who are in custody, be set at liberty forthwith, if their custody is not required in connection with any other case, subject to payment of fine, if already not paid.

August 10, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No