

254

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2159 of 2016 (O&M)
Date of Decision: 29.07.2016

Surender and others

.....Petitioners

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Suvir Sidhu, Advocate
 for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent conviction of the petitioners for the commission of offences under Sections 323/325 and 506 IPC read with Section 34 IPC in FIR No.59 dated 16.07.2011 registered at Police Station GRPS, Rewari

The sentence awarded to the petitioners is as under:-

Under Section 323 IPC read with : Section 34 IPC	Rigorous imprisonment for one year each
Under Section 325 IPC read with : Section 34 IPC	Rigorous imprisonment for two years each with fine of Rs.1000/- each. In default of payment of fine to further to undergo simple imprisonment for one month each.

Custody certificate of petitioner No.1-Surender has been filed by way of affidavit of Sanjay Singh, Superintendent, District Prison, Narnaul in the Court today and the same is taken on record.

Custody certificates of petitioner No.2-Jaibir, petitioner No.3-Kailash and petitioner No.4-Pawan have been filed by way of affidavit of Satyawan, Deputy Superintendent, District Jail, Jhajjar in the Court today and the same are taken on record. Copies supplied to the counsel opposite.

As per custody certificate the petitioners have undergone 02 months and 14 days respectively out of the total sentence of 02 years.

Learned counsel for the petitioners has argued that he would not press the petition on merits but the fact of the matter is that even if it can be said that an attack was proved the injuries were never proved and in the circumstances, the sentence of 2 years is highly excessive.

Learned Deputy Advocate General has accepted that the doctors did not appear to prove the nature and extent of injuries.

In the circumstances, I find some merits in the argument of learned counsel for the petitioners. Consequently, the revision against the conviction is dismissed but the sentence of the petitioners is reduced to 8 months. The fine and compensation shall remain unchanged.

Revision petition stands disposed of.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

July 29, 2016
Pooja/hemlata

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No