

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.4506 of 2015 (O&M)****Date of Decision: January 08, 2016**

Sadik @ Satbir

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Sunil K. Nehra, Advocate
for the petitioner.Mr.Himmat Singh, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sadik @ Satbir against State of Haryana, challenging the impugned judgment of conviction dated 05.04.2013 and order of sentence dated 06.04.2013 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹200/- under Section 324 IPC and to further undergo rigorous imprisonment for a period of six months and to pay a fine of ₹100/- under Section 506 IPC and in default of payment of fine, to further undergo simple imprisonment for a period of one month and also challenging the judgment dated 29.10.2015 passed by

learned Sessions Judge, Yamuna Nagar at Jagadhri, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that a complaint was moved by Raju, wherein he stated that on 25.09.2007 at about 7.30 P.M., when he was standing outside his owner's shop, Sadik came there and started talking with him and an altercation took place between them. Sadik brought a knife (ustra) from his shop and hit into his stomach on the left side, due to which blood started oozing out and he fell down. On the basis of this complaint, FIR was registered and accused-petitioner was arrested.

Learned JMJC, Yamuna Nagar at Jagadhri, convicted and sentenced the petitioner as stated above. An appeal was filed by the accused-petitioner and learned Sessions Judge, Yamuna Nagar at Jagadhri, vide judgment dated 29.10.2015 dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the accused-petitioner.

At the time of issuance of notice of motion, learned counsel for the petitioner did not dispute the concurrent findings of Courts below and prayed for reduction of sentence and notice of motion was issued only on the quantum of sentence.

Learned State counsel appeared and contested the revision petition.

At the time of arguments, learned counsel for the petitioner contended that the petitioner is a poor person and he is only the bread earner of the family. He further contended that since 2007, the

revision petitioner is suffering from long criminal trial. He also argued that petitioner is now 35 years of age and young man. Therefore, he argued that lenient view may be taken.

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

From the record, I find that the petitioner is convicted under Section 324 and 506 IPC and only one injury is caused by the accused-petitioner by ustra (knife) i.e. simple injury.

Keeping in view the facts and circumstances of the present case, the fact that the present petitioner is only bread earner of the family and he is first offender and further in view of the fact that the petitioner is suffering from long protracted criminal trial for the last more than eight years and the fact that he was aged about 27-28 years at the time of occurrence and young man, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of six months under Section 324 IPC instead of one year. However, the other sentence and sentence of fine shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

January 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE