

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

(i)

CRR No.3372 of 2016 (O&M)

Rohtash

...Petitioners

VERSUS

State of Haryana

...Respondent

(ii)

CRR No.3395 of 2016 (O&M)

Narveer

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision: November 22, 2016

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vishwajeet Singh, Advocate for
Mr.Keshav Pratap Singh, Advocate
for the petitioner (in CRR No.3372 of 2016).

Mr.J.S.Hooda, Advocate
for the petitioner (in CRR No.3395 of 2016).

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

This order shall dispose of above-mentioned two connected
revisions as the same have been arising from same impugned judgment.

The above-mentioned revision petitions have been filed by
petitioners against respondents State of Haryana, challenging the impugned

judgment of conviction dated 03.02.2016 and order of sentence dated

04.02.2016 passed by learned Addl. Chief Judicial Magistrate, Palwal, vide which the petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of six months each under Section 323 read with Section 34 IPC and further to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment, to undergo simple imprisonment for a period of two months each under Section 326 read with Section 34 IPC and also to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under section 506 read with Section 34 IPC and also challenging the judgment dated 29.08.2016 passed by learned Addl. Sessions Judge(1), Palwal, vide which the appeal filed by petitioners was dismissed.

Notice of motion was issued and learned State counsel appeared and contested the petition.

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

From the record, I find that the challan was presented against petitioners in case FIR No.16 dated 12.01.2012. The brief facts of the case as noted down in the judgment passed by learned ACJM, Palwal, are as under:-

“2. Briefly stated, the complaint was lodged by Karan Singh to the effect that on 6.11.2012 at about 5/6 p.m. he and his nephew Jagat were going from Palwal to their village on motorcycle. Jagat was driving the motorcycle when they reached near Bamni Khera Sugar Mill then one Alto Car bearing no. HR 50 B 9190 stopped his vehicle in front of their motorcycle and when he stopped his motorcycle then Sunil son of Tejpal, and Rohtas son of Lakhani got down from the Car and they were having swords in their hands and they started giving blows to them and when he tried to stop them then Narbeer son of Pitamber and Sonu son of Narbeer and Udam

son of Govardhan got down from the Car and started giving beating to them and due to which they both fell down on the ground. The passengers passersby saved them otherwise they would have killed them. During that scuffle, Sunil had taken out Rs.10,000/- from his pocket and while leaving the spot they also gave threaten to kill them and ran away after sitting in the vehicle. So legal action be taken. On this complaint investigation was started. Investigating officer visited the place of alleged occurrence and prepared site plan thereof. He also recorded statements of the witnesses under Section 161 Cr.P.C. During investigation, accused Narveer was arrested first and on completion of investigation, challan was presented in the Court only against the accused Narveer.”

Learned ACJM, Palwal 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. Sessions Judge(1), Palwal, vide judgment dated 29.08.2016.

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

At the time of arguments, learned counsel for the petitioners did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioners argued that petitioners are poor persons, first offenders and they are suffering from the criminal proceedings since 2012. Learned counsel for the petitioners further contended that petitioner Rohtash has already undergone actual sentence of 1 year 4 months and 8 days and petitioner Narveer has already undergone actual sentence of more than three months including remission.

I have heard learned counsel for the petitioners 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 facing long protracted criminal proceedings since 2012 i.e. for the last about four years and are first offenders and also in view of the fact that petitioner Rohtash has already undergone actual sentence of 1 year 4 months and 8 days and petitioner Narveer has already undergone actual sentence of more than three months including remission and keeping in view only one grievous injury i.e. fracture of shaft of 5th metacarpal of the left hand, 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, both the revision petitions stand partly allowed.

Petitioners Rohtash and Narveer, 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, as imposed by the Courts below.

November 22, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No