

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

**CRR No.3576 of 2016 (O&M)
Date of Decision: December 02, 2016**

Satish Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Malik-I, Advocate
for the petitioner.

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

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Satish Kumar against respondent State of Haryana, challenging the impugned judgment of conviction dated 12.05.2014 and order of sentence dated 13.05.2014 passed by learned Judicial Magistrate Ist Class, Rohtak, vide which the petitioner along with co-accused was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- and in default of payment, to undergo imprisonment for a period of one month under Section 323/34 IPC and to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo imprisonment for a period of two months under Sections 324/34 and 452/34 IPC each and also challenging the judgment dated 11.08.2016 passed by learned Addl. Sessions Judge, Rohtak, vide which appeal filed by petitioner was dismissed.

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

From the record, I find that the challan was presented against petitioner along with co-accused in case FIR No.71 dated 04.02.2008. The brief facts of the case as noted down in the judgment passed by learned JMIC, Rohtak, are as under:-

“2. The prosecution in the present case lodged on the complaint of complainant Savitri wife of Ram Kishan through a written complaint wherein she stated that she is resident of Kabir Colony, Rohtak and is having three sons and one daughter. Further, she stated that the marriage of her daughter namely Santosh has been solemnized with Gordhan s/o Ramdhari in the year 1998. However, a case has been registered against him for demanding dowry which is pending in the Court. On 3.2.2008 at about 10.00 P.M. her son in law namely Gordhan and his brothers Satish and Ramesh having knife in their hands, came to her house and her son-in-law said that he came there to teach her lesson for giving the testimony against him in the Court. Thereafter Gordhan gave a knife blow at her neck and second blow through knife at the palm of right hand. Further, she stated that Ramesh and Satish holded her, pursuant to which she raised the voice upon which her brother in law namely Brahma Nand son of Shish Ram and her daughter Santosh came at the spot for her rescue. However, Gordhan, Ramesh and Satish inflicted injuries against the person of Brahmanand. On listening the voice Kitab son of Bharat Singh and Ashok son of Ram Kishan, her son came at the spot and rescued her. Thereafter, accused left the spot along with the weapons. On the basis of information rendered by Savitri, the present case was registered and investigated upon. During the course of investigation, the accused were arrested. Statement of the witnesses were recorded and after completion of the necessary investigation, report as required under Section 173, Cr.P.C. was submitted.”

Learned JMIC, Rohtak after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Rohtak, vide judgment dated 11.08.2016.

Aggrieved from the above-said judgments, present revision

petition has been filed.

At the time of arguments, 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. Learned counsel for the petitioner argued that petitioner is poor person, first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2008. Learned counsel for the petitioner further contended that petitioner has already undergone actual sentence of about 3 months.

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 petitioner is first offender, only bread earner of the family and facing criminal proceedings since 2008 i.e. for the last about eight years and also in view of the fact that petitioner has already undergone imprisonment of about 3 months out of the total sentence, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and default thereof, shall remain the same.

Resultantly, the present revision petition stands partly allowed.

Petitioner Satish Kumar, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

December 02, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No