

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

Crl. Appeal S-912-SB of 2005
Date of Decision : August 08, 2017

Satish Kumar	VERSUS	Appellant
State of Haryana		Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. R.S. Sangwan, Advocate
for the appellant.

Mr. Pramjeet Singh, Asstt. A.G., Haryana.

T.P.S. MANN, J. (Oral)

Convict Satish Kumar has filed the present appeal against the judgment and order dated 15/20.4.2005 passed by learned Sessions Judge, Narnaul, whereby, he stood convicted under Section 325 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months.

According to the prosecution, on 12.8.2003 at about 10.00 a.m., when the complainant, namely, Krishan Lal was going to the Co-operative Society Rasulpur and passing through the village, Satish Kumar and Karam Chand, who were under the influence of liquor intercepted and grappled with him. The

complainant got him released from their clutches and reached building of the Society. Both the accused followed him and after hurling abuses upon him, manhandled him. As a result, the complainant sustained injuries on his chest as well as little and middle fingers of his left hand. The injury caused on the middle finger of the complainant was found to have resulted into a fracture and for that reason, the appellant and his co-accused Karam Chand were convicted under Section 325 read with Section 34 IPC.

Learned counsel for the appellant has not challenged the impugned judgment of conviction. However, he has submitted that the appellant is facing the agony of criminal prosecution for the last about fourteen years. Neither he nor his co-accused Karam Chand was said to be armed with any weapon. They were said to have grappled with him after intercepting him on his way to the Co-operative Society. Though he managed to get himself released and reached the building of the Society, both the accused followed him and after hurling abuses at him, manhandled him as well. The injury which was found grievous in nature was not on any of his vital part, rather, it was on the proximal phalanx of his middle finger. It is also submitted that the appellant is not a previous convict and sole bread winner of his family. Out of the sentence of two years imposed upon him, he

has already undergone a period of about 1½ months. Prayer has, accordingly, been made for taking a lenient view in the matter of his sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the appellant and his co-accused Karam Chand had voluntarily caused grievous hurt on the person of the complainant making them liable for committing offence under Section 325 read with Section 34 IPC. Therefore, the sentence of imprisonment awarded to the appellant does not call for any interference.

As per the custody certificate already available on the record, the appellant has already undergone an actual period of one month and ten days. He is not shown to be either involved or convicted in any other case.

After taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellant behind the bars, once again, for undergoing the remaining sentence of imprisonment imposed upon him. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 325 read with Section 34 IPC is upheld. His substantive

sentence of imprisonment is reduced to the one already undergone by him. The fine amount is, however, enhanced from Rs.2,000/- to 5,000/-. As the appellant has already deposited the fine amount imposed upon him by the learned trial Court, he shall deposit the enhanced fine amount, i.e. Rs.3,000/- in the Court of learned Chief Judicial Magistrate, Mahendergarh at Narnaul within a period of three months from today, failing which, he shall be required to undergo rigorous imprisonment for a period of six months.

The appeal is, accordingly, disposed of.

August 08, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No