

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

**CRR No.2026 of 2008 (O&M)
Date of decision : July 03, 2017**

Sham Lal and another Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Monika Arora, Advocate for
Mr. Pritam Saini, Advocate for the petitioners.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Revisionists Sham Lal and Pawan Kumar have preferred the present revision petition against the judgment dated 22.09.2008 passed by the learned Addl. Sessions Judge, Fast Track Court, Ambala, vide which while releasing co-accused Smt. Bala Devi on probation, the conviction and sentence of both the revisionists awarded by the learned Judicial Magistrate 1st Class, Ambala City vide judgment of conviction and order of sentence dated 15.12.2005 was upheld, whereby they were convicted for the commission of offence punishable under Sections 323 and 325 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for six month and to pay a fine of ₹200/- each for the commission of offence punishable under Section 323 read with Section 34 IPC and to undergo rigorous imprisonment for one year and to pay a fine of ₹300/- each for the

IPC and in default of payment of fine, the revisionists were ordered to further undergo rigorous imprisonment for a period of three months.

At the very outset, learned counsel for the revisionists does not assail the judgment of both the courts below on merits and presses for releasing the revisionists on probation.

Custody certificates of both the revisionists placed on file show that they have undergone actual sentence of 3 months, 11 days each.

I have gone through the original case file. In this case one of the injuries was fracture of left navicular bone. The other injuries were found simple in nature. It is a case of fight between the neighbours.

Keeping in view the entirety of the circumstances and the fact that the occurrence took place on 03.05.2002 i.e. about 15 years back, though I do not find any ground to release the revisionists on probation. However, the sentence awarded to them for the commission of offence punishable under Section 325 read with Section 34 IPC is reduced from one year to six months and the fine is enhanced from ₹300/- to ₹20,000/- to be paid as compensation to the injured-complainant Mahipal and the sentence awarded for the commission of offence punishable under Section 323 read with Section 34 IPC is maintained. The revisionists are ordered to be arrested and committed to jail to undergo remaining sentence.

With the aforesaid modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

July 03, 2017

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No