

CRR-2319 of 2010 (O&M)
CRR-2334 of 2010 (O&M)

-1-

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

CRR-2319 of 2010 (O&M)
Date of decision: 02.02.2017

Ramkumar and others

...Petitioners

Versus

State of Haryana

...Respondent

CRR-2334 of 2010 (O&M)

Dharam Pal and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ravi Sharma, Advocate for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana

Jitendra Chauhan, J.

By this common judgment, this Court shall dispose of the aforesaid two petitions as common questions of facts and law are involved in both these revision petitions.

By filing the present criminal revisions, the petitioners have assailed the judgment dated 09.08.2010, vide which, learned Addl. Sessions Judge, Kaithal, upheld the judgment of conviction dated 04.08.2009 and order of sentence dated 07.08.2009 passed by

learned Addl. Chief Judicial Magistrate, Kaithal, whereby the petitioners have been convicted and sentenced as under:-

Under Section(s)	Sentence(s)
148 IPC	RI for 6 months and fine of ₹200 each and in default thereof SI for 15 days
323 read with 149 IPC	SI for 6 months and fine of ₹200 each and in default thereof SI for 15 days
324 read with 149 IPC	RI for 1 year and fine of ₹500 each and in default thereof SI for 1 month
325 read with 149 IPC	RI for 1 year and 6 months fine of ₹500 each and in default thereof SI for 1 month
326 read with 149 IPC	RI for 2 years and fine of ₹1000 each and in default thereof SI for 2 months
506 read with 149 IPC	RI for 1 year and fine of ₹200 each and in default thereof SI for 15 days

The accused were charge sheeted under Sections 148, 323, 324, 325, 326 and 506 read with Section 149 IPC to which they pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 Rajal Devi; PW-2 Balwan Singh, complainant; PW-3 Dr. B.B. Kakkar; PW-4 Dr. Lajja Ram; PW-5 DSP Ram Chander; and PW-6 SI Dharam Singh.

The statements of the accused under Section 313 Cr.P.C., were recorded. They pleaded innocence and alleged false implication. In their defence, the accused examined DW1 Manu Ram; DW2 Baldev; DW3 Satpal; and DW4 Gianni Ram.

After hearing the Public Prosecutor, the learned counsel for the accused and after going through the evidence on record, the

trial Court convicted and sentenced the accused/petitioners as narrated above.

The appeal filed by the petitioners were also dismissed vide impugned judgment dated 09.08.2010. Feeling aggrieved against the judgments of both the Courts below, the instant revisions were filed by the accused/petitioners.

Custody certificates of the petitioners have been filed in Court, same are taken on record.

The learned counsel for the petitioners does not press the revision petitions on merits and submits that the petitioners are the sole bread winners of their respective families. It is further submitted that the petitioners have suffered the agony of a protracted trial since the year 2000. They have never misused the concession of bail during the trial. Petitioners in CRR No.2334 of 2010 have already undergone actual sentence of 22 days out of substantive sentence of two years. Further, petitioners in CRR No.2319 of 2010 have already undergone actual sentence of 01 month and 20 days out of substantive sentence of two years. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court.

On the other hand, the learned State counsel opposes the prayer of the petitioners/accused and supported the judgment of conviction and order of sentence passed by the trial Court and affirmed by learned Addl. Sessions Judge, Kaithal.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the cases.

As per the MLR of complainant-Balwan Singh, prepared by PW3-Dr. B.B. Kakkar, the complainant had suffered total nine injuries and out of them, injuries Nos.1, 3 to 5 were caused by sharp edged weapon and remaining were caused by blunt weapon. Further, as per the statement of PW4-Dr. Lajja Ram, who radio-logically examined the complainant, the complainant had sustained the fracture of 2nd, 3rd, 4th and 5th metacarpal and x-ray of left fore-arm elbow showed fracture of ulna. Moreover, in supplementary x-ray, fracture of lower femur with fracture of patella in left knee joint was noticed.

Therefore, the prosecution case is fully proved from the statements of the prosecution witnesses duly corroborated with medical evidence. Once the petitioners have decided not to press on the basis of merits, the present revision petitions are hereby dismissed on merits and the Court is now examine the matter whether a lenient view in the matter of sentence could be taken.

The petitioners have suffered agony of protracted trial for the past 16 years. It is one of the mitigating circumstances which enables them to be treated leniently. Petitioners in CRR No.2334 of 2010 have already undergone actual sentence of 22 days out of substantive sentence of two years. Further, petitioners in CRR No.2319 of 2010 have already undergone actual sentence of 01 month and 20 days out

of substantive sentence of two years and they have never misused the concession of bail. No previous conviction has either been alleged or proved against any of the accused. In view of the above and the injuries suffered by complainant/injured, Balwan Singh, the prayer made on behalf of the petitioners is partly accepted. The sentence awarded to the petitioners is ordered to be reduced from two years to one year subject to payment of ₹25,000/- each by the petitioners towards compensation to complainant/injured, Balwan Singh, within three months from the date of receipt of certified copy of the order. The petitioners are directed to surrender before the trial Court to serve the remaining part of sentence from their reduced sentence i.e. one year. It is made clear that if the amount is not paid within the stipulated period, the present revision petitions shall be deemed to be dismissed without any notice and they shall have to further undergo the remaining part of sentence. They be released forthwith, if not required in any other case.

Ordered accordingly.

02.02.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No