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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2370 of 2011 (O/M)
Date of decision : 6.10.2017

Gurminder Singh and others

..... Revisionists

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.C. Shahpuri, Advocate, for revisionists.

Mr. R.K. Makkad, DAG 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 ?

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KULDIP SINGH J. (ORAL)

Revisionists have been convicted by the learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, under Sections 323 and 324 IPC read with Section 34 IPC, vide judgment of conviction dated 12.8.2009 and order of sentence dated 13.8.2009, and were sentenced pay a fine of Rs. 200/- each for commission of offence punishable under Section 323 IPC read with Section 34 IPC. They were further sentenced to undergo rigorous imprisonment for a period of six months each and to pay a fine of Rs. 300/- each, in default of payment of fine, to further undergo simple imprisonment for one month each, under Section 324 IPC read with Section 34 IPC. Both the sentences were directed to run concurrently. The fine had already been paid. Their appeal was dismissed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide judgment dated 13.9.2011.

The learned counsel for revisionists has pressed the revision on the quantum of sentence only.

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It is prayed that revisionists are first offenders. The injuries attributed to them are minor in nature. The maximum sentence for committing the offence is six months. Therefore, being first offenders, they may be granted benefit of probation.

Keeping in view the sentence awarded to revisionists and the nature of injuries attributed to them and the fact that revisionists are first offenders, revisionists must be given a chance to reform themselves. Accordingly, while maintaining conviction under Sections 323, 324 IPC read with Section 34 IPC, the substantive sentence of six months each, awarded under Section 324 IPC read with Section 34 IPC is hereby set aside and revisionists are ordered to be released on probation on their furnishing probation bonds in the sum of Rs. 25,000 each, for a period of six months, before the learned Chief Judicial Magistrate concerned, with an undertaking to maintain peace and be of good behaviour, failing which they will surrender before the trial Court to undergo the remaining part of sentence. The probation will not be treated as disqualification attaching to conviction under Section 12 of the Probation of Offenders Act, 1958. All revisionists shall also pay Rs. 2,000/- as compensation to injured Sada Ram, to be shared by them equally. Revisionists are directed to furnish probation bonds within four weeks from the date of receipt of certified copy of this order.

In view of the matter, revision is partly allowed to the abovenoted terms.

(KULDIP SINGH)
JUDGE

6.10.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No