

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1842 of 2012 (O&M)

Date of Decision: 02.08.2017

MAHESH KUMAR AND ANOTHER

...Petitioners

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Ms. Deepa Singh, Advocate,
for Mr. Naveen S. Bhardwaj, Advocate,
for the petitioners.

Mr. R.K. Makkar, DAG, Haryana.

KULDIP SINGH, J. (ORAL)

The present revision petition has been filed against the judgment dated 11.06.2012, passed by the learned Sessions Judge, Gurugaon, affirming the judgment of conviction dated 14.02.2012 and order of sentence dated 17.02.2012 passed by the learned Judicial Magistrate Ist Class, Gurugaon, vide which both the petitioners were convicted and sentenced to undergo rigorous imprisonment of six months and to pay a fine of ₹ 500/- each under Section 323 read with Section 34 IPC and to undergo rigorous imprisonment for one year and to pay fine of ₹ 1000/- each under Section 325 read with Section 34 IPC. In default of payment of fine, to further undergo rigorous imprisonment for 15 days.

The short prayer made in this revision petition is for reduction of the sentence awarded to the petitioners.

I have heard the learned counsel for both the parties on the point of quantum of sentence only and have carefully gone through the case file.

The examination of the judgment of the trial Court shows that the petitioners are alleged to have assaulted their neighbour, Ram Kumar, who is complainant in this case, and his Son, Manoj, on account of some dispute of boundary wall. Mahesh Kumar-petitioner No. 1 gave a lathi blow on the right hand of Ram Kumar, Complainant and another blow on the head of Manoj. Petitioner No. 2-Geeta gave fist blows and lathi blows on the waist of Manoj.

The examination of the injuries shows that the first injury attributed to Mahesh Kumar-petitioner No. 1 upon Ram Kumar was found to be grievous in nature as it was a fracture in right hand of Ram Kumar. Second injury suffered by Ram Kumar is the pain in back and chest. No external marks on his body was found. The said injury was found to be simple in nature. Manoj received three injuries, injury No. 1 is two abrasions on the nose with fresh wounds with no bleeding. Injury No. 2 was a small cut on tip of his tongue without bleeding and injury No. 3 was pain in neck and left ear. There were also no external marks on the body of Manoj. It goes to show that the injuries attributed to Geeta-petitioner No. 2 found to be simple in nature, whereas, one injury attributed to Mahesh Kumar is found to be grievous in nature.

Keeping in view the role attributed to Geeta-petitioner No. 2 and the fact that she is a woman, I am of the view that she should be given a chance to reform herself. Therefore, the sentence awarded upon her under Sections 323 and 325 read with Section 34 IPC is hereby set aside and she is ordered to be released on probation for a period of one year on her furnishing probation bonds in the sum of ₹ 10,000/- with one surety of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurugram. She is also ordered to be burdened with the cost of ₹ 2,000/- in addition to the fine

already paid by her. During this period of probation, she will maintain peace and be of bear good behavior.

Considering the role attributed to Mahesh Kumar-petitioner No. 1 and the fact that he is facing trial since 2007, the sentence of rigorous imprisonment of one year awarded to him under Section 325 read with Section 34 IPC, is hereby reduced to rigorous imprisonment of 9 months. However, remaining part of the sentence awarded to Mahesh Kumar-petitioner No. 1 is maintained.

In view of the above, let Mahesh Kumar, petitioner No. 1 be re-arrested to undergo remaining part of his sentence.

With the above noted modification in quantum of sentences of the petitioners, the revision petition is dismissed.

August 2, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
Whether speaking / reasoned :	Yes	/	No
			✓
Whether Reportable :	Yes	/	No