

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

CRR No.1978 of 2012 (O&M)
Date of Decision: March 30, 2017

Mukesh Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Budhwar, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Mukesh Kumar against respondent State of Haryana, challenging the impugned judgment of conviction dated 19.03.2011 and order of sentence dated 21.03.2011 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three months under Section 323 IPC and to undergo rigorous imprisonment for a period of six months under Section 325 IPC and also challenging the judgment dated 09.07.2012 passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, vide which appeal filed by petitioner was dismissed. Both the sentences were

ordered to run concurrently.

From the record, I find that challan was presented against accused Mukesh Kumar in case FIR No.30 dated 13.02.2007 under Sections 323, 325 and 506 IPC. The brief facts of the case as noted down in the judgment passed by learned JMIC, Yamuna Nagar at Jagadhri, are as under:-

“2. The present case has been registered on the statement of Thath Singh who has alleged that his brother in law namely Satpal was admitted in Jain Hospital since 4.2.07. On 6.2.07 at about 12 PM when he was about to take food for Satpal to hospital on his motorcycle standing in the street, at that time Mukesh Kumar came present and started abusing him. When the complainant asked him to stop abusing, the accused gave slaps and fist blows on his person. On hearing the noise his wife Kailasho Devi reached at the spot but the accused Mukesh Kumar inflicted slaps and fist blows on her face, hips, right knee and jaw. The complainant further alleged that Kusum wife of Parvesh also gave slaps and fist blows on the person of his wife. On hearing the noise Salochna also reached at the spot but the accused pushed her down also. The complainant further alleged that the accused persons left the place after criminally intimating the complainant. After sometime Jog Dhian came back who took him and Kailasho Devi to Gaba Hospital for treatment. A prayer for taking appropriate action against the accused was made.”

Learned JMIC, Yamuna Nagar at Jagadhri, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, vide judgment dated 09.07.2012.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the petitioner.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings given by learned Courts below, regarding conviction and only contended on the point of reduction of

sentence. Learned counsel for the petitioner argued that petitioner is poor person, only bread earner of the family and is suffering from the criminal proceedings since 2007. He further contended that the petitioner has already undergone actual sentence of 20 days.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 19.03.2011 passed by learned JMIC, Yamuna Nagar at Jagadhri, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be poor person, only bread earner of the family and is facing long protracted criminal proceedings since 2017 i.e. for the last about 10 years and also in view of the fact that petitioner has already undergone actual sentence of 20 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him

Therefore, the present revision petition stands partly allowed.

Since, petitioner Mukesh Kumar is on bail, his bail/surety bonds stand discharged.

March 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No