

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2057 of 2012 (O/M)

Date of decision : 11.10.2017

Raja Revisionist

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Chaudhary, Advocate, for,
Mr. S.S. Walia, Advocate, for revisionist.
Miss Niharika Gupta, Advocate (Amicus Curiae),
for revisionist.
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 ?
- . - .-

KULDIP SINGH J. (ORAL)

Present revision is against judgment dated 5.7.2012, passed by the learned Additional Sessions Judge, Fatehabad, affirming the judgment of conviction dated 8.4.2009 and order of sentence dated 15.4.2009, passed by the learned Judicial Magistrate 1st Class, Fatehabad, vide which present revisionist Raja alongwith co-accused was convicted under Sections 324 and 326 IPC and was sentenced to undergo simple imprisonment for one year and to pay a fine of Rs. 300/-, in default thereof, to further undergo simple imprisonment for one month under Section 324 IPC. He was also sentenced to undergo simple imprisonment for three years and to pay a fine of Rs. 500/-, in default thereof, to further undergo simple imprisonment for one month under Section 326 IPC. Both the sentences were directed to run concurrently.

I have heard the learned counsel for revisionist, the learned amicus curiae appearing for revisionist, the learned State counsel and have also carefully gone through the file of the case and the lower Court file also.

CRR No. 2057 of 2012 (O/M)

The learned counsel for revisionist and the learned amicus curiae for revisionist have argued that there was no motive and intention on the part of revisionist. It is further contended that there was no independent witness except the mother of injured Satpal.

The perusal of lower Court file shows that there is specific attribution to revisionist that he caught hold of Satpal (injured) from his legs and Mahabir gave blade blows on the face of Satpal (injured). As many as, five injuries were found on the person of injured Satpal. Therefore, present revisionist facilitated co-accused Mahabir in commission of crime. The motive is to be inferred from the circumstances. Though, Raja may not have direct motive, but facilitating the co-accused Mahabir is sufficient to convict him for offence punishable under Section 34 IPC. So far as independent witness is concerned, the occurrence took place at 5:00 AM in the month of September. Therefore, any independent witness at that time should not be expected. Moreover, even if somebody is present at the time of occurrence, he does not like to meddle in the affairs of others, so as to make enemies by deposing against accused. There are concurrent findings of two Courts below. Therefore, the conviction of revisionist under Sections 324 and 326 IPC is hereby upheld. The first lower appellate Court has already taken a lenient view by reducing the maximum sentence of three years to nine months, awarded under Section 326 IPC. No further leniency is possible. Hence, revision is dismissed. Revisionist be re-arrested and committed to jail to undergo the remaining part of sentence.

(KULDIP SINGH)
JUDGE

11.10.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No