

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2858 of 2015 (O&M)
Date of decision: 28.04.2017

Roshan Lal and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Gaur, Advocate for the petitioners.

Mr. Arun Kumar, AAG, Haryana

None for respondent No.2.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioners have assailed the judgment dated 29.07.2015, vide which, learned Addl. Sessions Judge, Sonapat, upheld the judgment of conviction and order of sentence dated 31.01.2012 passed by learned Sub Divisional Judicial Magistrate, Gohana, whereby the petitioners have been convicted and sentenced as under:-

Under Section(s)	Sentence(s)
148 read with Section 149 IPC	SI for 6 months
323 read with 149 IPC	SI for 6 months
506 read with 149 IPC	SI for 6 months
452 read with 149 IPC	SI for one year and fine of Rs.500/-

The learned counsel for the petitioners does not press the revision petition on its merits and submits that the petitioners are the sole bread winner of their families and have suffered the agony of a protracted trial since the year 2005. They have already undergone actual sentence of 01 month out of substantive sentence of 01 year. In pursuance of order dated 25.08.2015, the petitioners have already furnished three bank drafts in a sum of Rs.10,000/- each towards compensation in favour of complainant/injured, namely, Mangu Ram, Anaro and Kamlesh, photocopies of the same are taken on record as Mark 'A', Mark 'B' and Mark 'C', respectively. The petitioners have not misused the concession of bail. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the Courts below.

On the other hand, the learned State counsel opposes the prayer of the petitioners and supports the judgment of conviction and order of sentence passed by learned Sub Divisional Judicial Magistrate, Gohana.

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

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 petition is hereby dismissed. The Court will now examine the matter whether a lenient view in the matter of sentence could be taken.

As per the record, the petitioners have suffered agony of protracted trial as the FIR pertains to the year 2005. Petitioners have already undergone actual sentence of 01 month out of substantive sentence of 01 year. No previous conviction has either been alleged or proved against the accused. They have already paid Rs.30,000/- towards compensation to the complainant/injured and there is nothing on record to show that they ever misused the concession of bail. In view of the above mitigating circumstances and considering the nature of injuries suffered by complainant/injured, the prayer made on behalf of the petitioners is accepted. The sentence awarded to the petitioners is ordered to be reduced to the period already undergone

Ordered accordingly.

28.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No