

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 2011-2016 (O&M)
Date of decision: 06.12.2017

Devender and another

.....Petitioners

versus

State of Haryana

.....Respondent

CRR 2012-2016 (O&M)

Bhagat Singh and others

.....Petitioners

versus

Pushpa and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kartar Singh, Advocate for the petitioners
Mr.R.K.Makkad, Deputy Advocate General, Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This order will dispose of two connected revision petition bearing CRR Nos.2011 of 2016 and 2012 of 2016.

In a complaint case and State case tried jointly, present petitioners in both the petitions, namely, Bhagat Singh, Devender and one Krishna along with their son Ghanshyam were convicted by learned Sub Divisional Judicial Magistrate, Hodal vide judgment of conviction dated 26.3.2015 and order of sentence dated 31.3.2015 and sentenced to undergo simple imprisonment for six months each under Section 323 IPC read with Section 34 IPC, Simple Imprisonment each for one year under Section 452

IPC read with Section 34 IPC along with fine of Rs.200/-, in default thereof simple imprisonment for one month. They were further sentenced to undergo simple imprisonment for one year each under Section 506 read with Section 34 IPC. Accused Devender and Krishna were also sentenced to undergo simple imprisonment for one year under Section 325 IPC read with Section 34 IPC and to pay fine of Rs.200/-, in default thereof, simple imprisonment for one month. All the sentences were directed to run concurrently. In appeal, the learned Additional Sessions Judge, Palwal vide judgment dated 27.4.2016, acquitted Ghanshyam from all the charges framed against him, whereas conviction and sentence of remaining accused/petitioners were maintained.

Custody certificates dated 6.12.2017 filed in Court are taken on record. It shows that Devender and Krishna have undergone actual sentence of 3 months and 5 days, whereas Bhagat Singh has undergone actual sentence of 3 months and 6 days. They are not the previous convicts nor any other case is pending against them.

In this case, as per statement of the doctor, there was minor fracture in little finger. Complainant Pushpa has admitted that Krishna accused-petitioner was mediator in her marriage. Therefore, it appears that parties had close relationship and basically it was a family dispute on account of some petty matter.

Learned counsel for the petitioners has pressed the present petitions only on the point of quantum of sentence and prays for leniency.

Considering the clean record of the petitioners and the fact that the fracture is alleged to be of minor in nature on little finger while maintaining the conviction, the sentence of all the three petitioners in both

the petitions under Sections 323, 452, 506, 352 read with Section 34 IPC is reduced to the period already undergone by them. However, petitioner Devender and Krishna are directed to pay Rs.5000/- each as compensation to Pushpa injured. Compensation be deposited before the trial Court within one month from today and trial Court shall disburse the same to Pushpa injured.

With the above noted modification both the revision petitions are dismissed.

Photocopy of this order be placed on the connected case file.

06.12.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No