

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4200 of 2015 (O&M)

Date of decision: 07.03.2017

Laxman Dass

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gursimran Singh, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

Mr. P.S. Sullar, Advocate for respondent No.2.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioner has assailed the judgment dated 21.09.2015, vide which, learned Addl. Sessions Judge, Jalandhar, though upheld the judgment of conviction dated 05.09.2012 passed by learned Judicial Magistrate First Class, Jalandhar, however, he opined that keeping in view the nature of injury on the person of the complainant-respondent No.2, Section 325 IPC was made out instead of Section 324 IPC and accordingly, he passed the following order of sentence :-

Under Section(s)	Sentence(s)
323 read with Section 34 IPC	RI for 6 months and fine of ₹1000 and in default thereof SI for 1 month
325 IPC	RI for 4 years and fine of ₹1000 and in default thereof SI for 1 month

Custody certificate of the petitioner has been filed in Court, same is taken on record.

The learned counsel for the petitioner does not press the revision petition on its merits and submits that the petitioner being the sole bread winner of the family and has suffered the agony of a protracted trial since the year 2006. He has already undergone actual sentence of 01 year, 02 months and 19 days out of substantive sentence of 04 years. 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 petitioner/accused and supports the judgment of conviction and order of sentence passed by learned Addl. Sessions Judge, Jalandhar.

The learned counsel for the complainant opposes the relief sought, however, he states that the victim has been leading a normal healthy life. He further states that the Courts below ought to have granted some compensation to the injured.

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 petitioner has 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 petitioner has suffered agony of protracted trial as the FIR pertains to the year 2006. Petitioner has already undergone actual sentence of 01 year, 02 months and 19 days out of substantive sentence of 04 years. No previous conviction has either been alleged or proved against the accused. In view of the above mitigating circumstances and considering the nature of injuries suffered by complainant/respondent No.2, the prayer made on behalf of the petitioner is accepted. The sentence awarded to the petitioner is ordered to be reduced to the period already undergone subject to payment of ₹1,00,000/- by the petitioner towards compensation to complainant/respondent No.2, within three months from today. It is made clear that if the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice and the petitioner shall have to further undergo the remaining part of sentence.

Ordered accordingly.

07.03.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

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