

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

CRR No.3751 of 2016 (O&M)

Date of decision : 22.02.2017

Narender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Ramender Chauhan, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (Oral).

Petitioner faced trial in case FIR No.380, dated 09.11.2012, under Sections 323/324/506 IPC, registered at Police Station City Gohana. Vide judgment dated 12.05.2015 and order of sentence dated 13.05.2015 passed by the learned Judicial Magistrate 1st Class, Gohana, he has been held guilty for offence under Sections 323/324 IPC and has been sentenced to undergo RI for a period of 6 months for commission of offence punishable under Section 323 IPC and further sentenced to undergo RI for a period of one year for commission of offence punishable under Section 324 IPC. Both the sentences were directed to run concurrently.

The appeal having been preferred against the judgment of conviction and order of sentence, the same has been dismissed vide judgment dated 17.09.2016 passed by the learned Sessions Judge, Sonapat.

The instant revision petition is directed against the judgment dated 17.09.2016 passed by the Appellate Court.

During the course of arguments, learned counsel appearing for

the petitioner submits that he is not assailing the judgment of conviction on merits and only prays for reduction of sentence.

The process of law was set in motion on the statement of Pooja. Complainant asserted that on 07.11.2012, she had proceeded to the market along with her mother Sarla. The accused/present petitioner was a hawker in the market selling peanuts and he misbehaved with the complainant as also her mother. The matter was stated to have been compromised with the intervention of the family members. However, on the next date i.e. on 08.11.2012, Narender/present petitioner came to the house of the complainant and asked her to come to his house to talk to his mother. The complainant along with her mother went to the house of the accused and where they asked his mother to talk to him and to ensure that he does not misbehave in future. At such moment, the accused is alleged to have attacked the complainant, Pooja as also her mother with an axe.

I have gone through the judgment of conviction passed by the trial Court as also the impugned order passed by the learned Sessions Judge affirming the conviction of the petitioner. I am of the considered view that conviction of the petitioner has been recorded on valid and cogent reasoning and upon due appreciation of evidence on record. As such, there would be no basis to warrant interference as regards conviction of the petitioner is concerned under Sections 323/324 IPC.

However, this Court finds that there are sufficient mitigating circumstances to take a lenient view as regards reduction in sentence.

The custody certificate furnished by the learned State counsel would indicate that the petitioner has undergone custody period of 4 months and 6 days as on 17.01.2017 including period spent in custody as an under

trial. In other words, as of date, the petitioner has undergone a total custody period of 5 months and 11 days.

The petitioner is not stated to be involved in any other criminal proceedings. Counsel has submitted that the petitioner was a small time hawker and is the only earning hand in the family. He is married and has a daughter. It is submitted that the petitioner otherwise has clean antecedents and the occurrence took place on the spur of the moment when the petitioner became enraged on account of the complainant and her mother insulting and berating the petitioner in front of his family members and in his own house.

In the considered view of this Court, ends of justice would be met, if, the substantive sentence awarded to the petitioner of 1 year RI is reduced to 6 months.

Accordingly, the order of conviction passed against the petitioner is affirmed. Sentence of rigorous imprisonment is reduced to a period of 6 months.

With such modification in the matter of sentence, revision petition stands disposed of.

22.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |