

**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CRR No.3945 of 2016

Date of Decision: 18.01.2017

SATBIR AND ANOTHER

-PETITIONERS

VS

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S. Shekhawat, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, DAG, Haryana.

RAJ MOHAN SINGH, J. (ORAL)

By relying upon order dated 16.11.2016 passed in
CRR No.3909 of 2016 titled as "Kailash vs. State of Haryana",
learned counsel for the petitioners submitted that scope of
revision petition is to argue only on quantum of sentence. The
occurrence took place on 02.01.2009 when the complainant
Gautam along with his grandfather, uncle and mother got a rapat

recorded to the effect that about 1½ year back, a quarrel took place between them with their neighbour Satbir (petitioner No.1).

The quarrel again took place some time back and thereafter, a compromise was struck between the parties. On the day of occurrence, complainant was coming to his *nohra*. When he reached in front of house of Vijay, Vijay suddenly came out of the house and caught the complainant. Thereafter, he called his neighbour Satbir who came at the spot duly armed with lathi. Vijay took lathi from Satbir and gave a blow on the wrist of the complainant. Thereafter, he further gave a blow on his left shoulder. In the meanwhile, Mukesh also appeared with lathi and hit lathi blows on left arm and right shoulder of the complainant. On hearing alarm, grandfather of the complainant namely Om Parkash and his uncle Kuldeep also came there. Satbir gave a lathi blow on the finger of the right hand of the grandfather of the complainant. The aforesaid injury was on the terminal phalanx resulting in fracture of right index finger.

The petitioners were convicted for the offence under Sections 323, 324, 325 read with Section 34 IPC and were sentenced to undergo simple imprisonment for a period of 6 months under Section 323 IPC, simple imprisonment for a period of one year under Section 324 IPC and simple imprisonment for one year under Section 325 IPC. All the sentences were to run concurrently.

Learned counsel for the petitioners contended that co-accused namely Kailesh filed CRR No.3909 of 2016 and his sentence has already been reduced to six months by this Court.

The case of petitioner No.2 is squarely on the same footing with that of Kailash. Petitioner No.1 was the author of injury on terminal phalanx resulting in fracture of right index finger and the same was also not on the vital part of the body.

Keeping in view the protracted trial from January, 2009, petitioner No.1 also craves indulgence of this Court for similar direction as that of co-accused.

I have considered the arguments of learned counsel for the parties.

Learned State counsel states that out of period of one year of substantive sentence, the petitioners have already undergone 5 months and 23 days of actual sentence including remission of 15 days which is inclusive while computing the total period of sentence to be undergone by the petitioners.

Since the occurrence took place in the year 2009, the injury falling under mischief of offence under Section 325 IPC was on the right index finger for which no deadly weapon was used. Even recovery of lathi was not effected from petitioner No.1.

Taking into totality the facts and circumstances of the case, I deem it appropriate to maintain the conviction of the petitioners but reduce the sentence to a period of six months under Sections 324 and 325 IPC.

With this modification in sentence, this petition is disposed of.

18.01.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No