

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.4941 of 2016 (O&M)
Date of decision : October 03, 2017

Sharvan and another Petitioners
Versus
State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K. Jain and Mr. Deepak K. Jain, Advocates
for the petitioners.
Mr. Pawan Garg, AAG, Haryana.

- 1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
- 2. To be referred to the Reporter or not.
- 3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Custody certificates dated 02.10.2017 of the petitioners have been filed in the Court today and the same are taken on record, which show that the petitioner No.1-Sharvan has undergone total sentence of 1 year and 23 days including remission and petitioner No.2-Dashrath has undergo total sentence of 11 months and 24 days including remission. Both the petitioners were convicted and sentenced vide judgment of conviction dated 03.09.2017 and order of sentence dated 04.09.2013 by the learned Addl. Chief Judicial Magistrate, Fatehabad, as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	324 IPC	R.I. for 3 years	₹2,000/-	S.I. for 10 days
2	326 IPC	R.I. for 3 years	₹3,000/-	S.I. for 15 days
3	452 IPC	R.I. for 3 years	₹1,000/-	S.I. for 7 days

All the sentences were directed to run concurrently.

The appeal filed against the said conviction and sentence was dismissed by the learned Addl. Sessions Judge, Fatehabad, vide judgment dated 07.12.2016.

In the present revision petition, notice was issued only on the point of quantum of sentence.

As per custody certificates, the petitioners are not previous convicts nor any other case is pending against them.

A perusal of the lower court file shows that the petitioners are relations of Krishna-injured. Petitioner No.1-Sarvan is stated to have given *barchi* blow on her right thumb, which resulting in fracture, whereas petitioner No.2-Dashrath gave *kasia* blow on her left hand, which injured her index finger, which was found to be simple in nature. In this case, Devi Lal, third accused was acquitted by the trial court.

Considering the nature of the injuries, I am of the view that there is scope of interfering in the quantum of sentence. Therefore, the substantive sentence of rigorous imprisonment for 3 years each awarded under Sections 324 and 452 IPC is hereby reduced to rigorous imprisonment for 1 year each, whereas the substantive sentence of rigorous imprisonment for 3 years awarded under Section 326 IPC is reduced to rigorous imprisonment for 1 year and 3 months. However, under Section 357 Cr.P.C., both the petitioners are directed to pay ₹25,000/- each as compensation to Krishna-injured. The remaining part of the sentence of fine awarded by the courts below are maintained.

With the abovenoted modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

October 03, 2017

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No