

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

CRR No.1200 of 2017 (O&M)
Date of Decision: November 13, 2017

Ajit Singh

...Petitioner

VERSUS

Krishan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Chanderhas Yadav, Advocate
for the petitioner.

Mr.Raghav Goel, Advocate
for respondent No.1.

Mr.Kuldeep Sharma, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Peeush Gagneja, Advocate
for respondents No.3 and 4.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ajit Singh against Krishan and other respondents, challenging the impugned judgment of conviction dated 17.07.2013 and order of sentence dated 18.07.2013 passed by learned Addl. Chief Judicial Magistrate, Jhajjar, vide which the petitioner was convicted under Sections 323, 325 and 452 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a maximum period of two years under Sections 325 and 452 IPC each along with fine and also challenging the judgment dated 27.02.2017 passed by learned

Addl. Sessions Judge, Jhajjar, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against the petitioner along with co-accused in case FIR No.504 dated 15.12.2005. The brief facts of the case as noted down in the judgment passed by learned ACJM, Jhajjar, are as under:-

“Present accused have been sent to face trial for commission of offences under sections 323, 325, 452 read with section 34 of IPC, on the allegations in brief that complainant Shri Krishan had appeared as witness in criminal case against accused Lal Singh. Due to that, the family of Lal Singh was having grudge towards the complainant. On dated 08.12.2005 at about 5.30 A.M., accused Lal Singh, Ajit Singh, Ajay, Smt.Ramgiri and Pinki having Dav, Danda in their hands, entered upon the house of the complainant. Accused Lal Singh said for teaching lesson for appearing witness against him. Accused Pinki and Ramgiri inflicted injuries upon the finger of right hand and right shoulder of complainant Shri Krishan. Accused Ajit inflicted injuries upon injured Smt.Nirmala and accused Ajit and Lal Singh again inflicted further injuries upon Sharmila D/o Shri Krishan.

2. The injured went to the police station and got recorded their statements. They were medico legally examined. FIR under sections 323, 452 read with section 34 of IPC was registered initially and finding grievous injury upon the person of injured Sharmila, offence under section 325 of IPC was also added during the investigation. Site plan of spot of occurrence was prepared and statements of witnesses were recorded. Accused were arrested in the case. On conclusion of investigation and finding substantial incriminating material against the accused, challan was presented against them before the court for initiation of trial. ”

Learned ACJM, Jhajjar, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Jhajjar, vide judgment dated 27.02.2017.

Aggrieved from the above-said judgments, present revision

petition has been filed.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2005. He also argued that petitioner has already undergone more than three months of actual sentence. Learned counsel for the petitioner further contended that a compromise has already been effected between the parties.

Learned counsel for respondents No.1, 3 and 4 has also admitted the factum of compromise.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 17.07.2013 passed by learned ACJM, Jhajjar, is correct, as per law and does not require any interference from this Court and the appeal filed by the petitioner has been rightly dismissed by learned Addl. Sessions Judge, Jhajjar, vide judgment dated 27.02.2017.

However, keeping in view the facts and circumstances of the present case, compromise between the parties and in view of the fact that petitioner is stated first offender, only bread earner of the family and facing long protracted criminal proceedings since 2005 i.e. for the last about 12

actual sentence of more than three months including remission, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, sentence of fine and in default thereof, shall remain the same. The petitioner is directed to pay the fine within thirty days from receiving the certified copy of the order, if already not paid, otherwise, the trial Court is directed to take necessary action as per law.

Therefore, the present revision petition stands partly allowed.

Since, petitioner Ajit Singh is on bail, his bail/surety bonds stand discharged.

November 13, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No