

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

234

**CRR No.2486 of 2017.
DATE OF DECISION: 09.11.2017.**

Suresh Kumar**....Petitioner.**

Versus

State of Haryana**...Respondent.****CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN****Present:** Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

SHEKHER DHAWAN, J.

Present revision petition is directed against the judgment dated 14.07.2017 passed by learned Additional Sessions Judge, Rewari, dismissing the appeal preferred by the petitioner-revisionist against the judgment of conviction and order of sentence both dated 02.06.2016 passed by learned Additional Chief Judicial Magistrate, Rewari, whereby the petitioner-revisionist was held guilty and convicted and sentenced as under:-

Name	Under Section	Sentence	In default
Suresh @ Raju	324 IPC	to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹10,000/-.	to further undergo rigorous imprisonment for a period of three months.
	506 IPC	to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/-.	to further undergo rigorous imprisonment for a period of three months.

Learned counsel for the petitioner-revisionist, while arguing on the point, fairly conceded that as per the deposition of the eye witness and medical evidence available on record, he does not challenge the judgment of conviction and restricts his prayer for modification in the order on quantum of sentence. He further contended that against awarded sentence of 02 years, the petitioner has already undergone total sentence for 04 months and 29 days and he is not involved in any other case. The nature of injury as per medical record are simple only and mainly the same are abrasion complaint of pain.

On the other hand, learned State counsel, while arguing, contended that learned trial Judge has already taken most lenient view on the point of sentence as there were two injured in the case and both of them were medico legally examined and the ocular testimony of injured persons/eyewitness stands duly corroborated and supported by medical evidence. There is no illegality in the judgment of conviction and order of sentence recorded by Courts below and revision petition be dismissed.

Having considered the submissions made by learned counsel for the parties and appraisal of record of this case, this Court is of the considered view that in the alleged occurrence, Rekha had sustained injuries which were declared to be 'simple' in nature. She sustained incised wound on the left side of abdomen just below, ribs, size was 2.75cm x 0.75cm x deep skin and at a distance of 2 cm. It is also not disputed that material witnesses have supported the prosecution case and their version is fully supported and corroborated by the medical evidence. As regards, the judgment of conviction dated 02.06.2016 as well as the judgment dated

there is no merit in the present revision petition and same stands dismissed on merit also.

As regards, the order of sentence dated 02.06.2016, the present petitioner has already undergone total sentence of 04 months and 29 days against maximum sentence of 02 years awarded for the offence under Sections 324 IPC and six months under Section 506 IPC. The petitioner is not involved in any other case and is not a previous convict.

Keeping in view of the above facts, this Court is of the considered view that certainly a lenient view on the point of sentence can be taken and as such, the order of sentence dated 02.06.2016 is modified to the extent that the sentence of the petitioner in this case shall be restricted to the period which he has already undergone while remaining in custody in this case. The sentences as ordered by learned trial judge shall run concurrently.

Resultantly, the present revision petition against judgment of conviction dated 02.06.2016 and the judgment dated 14.07.2017 of the first appellate Court affirming the aforesaid judgment of conviction stands dismissed and qua order of sentence is partly allowed. The order of sentence is modified to the above extent that the petitioner shall undergo sentence for the period already undergone by him while remaining in custody in this case. The petitioner be released forthwith if not required in custody in any other case.

(SHEKHER DHAWAN)
JUDGE

09.11.2017.

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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No