

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.3034 of 2017 (O&M)
Date of decision : November 15, 2017

Khem Chand and another Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pardeep Goyal, Advocate for the petitioners.

Mr. R.K. Makkad, DAG, Haryana.

Mr. Kartar Singh, Advocate for the complainant.

- 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)

Both the petitioners, namely Khem Chand and Ganga Ram were convicted and sentenced by the learned Judicial Magistrate 1st Class, Faridabad, vide judgment of conviction and order of sentence dated 05.08.2016 as under to each :

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	323 IPC	R.I. for 6 months	₹200/-	R.I. for 5 days
2	325 IPC	R.I. for 1 year	₹200/-	R.I. for 5 days
3	506 IPC	R.I. for 2 months	₹100/-	R.I. for 3 days

All the sentences were directed to run concurrently.

The appeal filed by both the petitioners was dismissed by the learned Addl. Sessions Judge, Faridabad, vide judgment dated 16.08.2017.

The present revision has been pressed on the point of quantum of sentence only.

It comes out from the medical evidence that Kewal suffered five injuries, whereas Heera Singh suffered one injury, which is swelling deformity on the left leg. The same was found to be grievous in nature.

As per custody certificates, dated 15.11.2017, both the petitioners have undergone actual sentence of 3 months 2 days including remission of 2 days.

Considering the nature of the injuries and the period already undergone by the petitioners, learned counsel for the complainant states that he has no objection if the maximum sentence of rigorous imprisonment for 1 year each awarded to both the petitioners for the commission of offence punishable under Section 325 IPC is reduced to rigorous imprisonment for 7 months each.

However, the State counsel has opposed such prayer.

Considering the facts and circumstances and the fact that the parties are real brothers, the maximum sentence of rigorous imprisonment for 1 year each awarded to both the petitioners for the commission of offence punishable under Section 325 IPC is reduced to rigorous imprisonment for 7 months each. However, the sentence of fine imposed under the said Section and the sentence awarded under Sections 323 and 506 IPC is maintained.

With the abovenoted modification in the sentence for imprisonment, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 15, 2017

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Whether speaking / reasoned

Yes

Whether Reportable:

No