

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRR 3223-2017 (O&M)

Date of decision: 11.10.2017

Subhash and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr. Justice Kuldeep Singh

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

Mr. Pawan Garg, Assistant Advocate General, Haryana

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Kuldeep Singh, J. (Oral)

Petitioners along with co-accused namely, Satbir, Hoshiyar, Prem and Bimla were convicted by learned Judicial Magistrate First Class, Rewari under Sections 323, 325, 143, 148 and 149 IPC vide judgment of conviction dated 10.3.2016 and vide order of sentence dated 11.3.2016 sentenced as under:-

To undergo Rigorous Imprisonment for a period of six months and fine of Rs.500/- each under Section 323 of IPC, a rigorous imprisonment for period of one year and fine of Rs. 500/- each under Section 325 of IPC read with Section 149 of IPC, a rigorous imprisonment for a period of six months and a fine of Rs. 500/- each under Section 143 IPC each, rigorous imprisonment for a period of one year under Section 148 of IPC and in default of fine, to further under rigorous imprisonment for a period of two months.

However, all the sentences were directed to run concurrently.

Learned Sessions Judge, Rewari vide judgment dated 10.8.2017 in appeal acquits Prem by giving benefit of doubt, released

Hoshiyar and Bimla on probation, whereas appeal of the remaining accused,

namely, Subhash, Satbir and Sunder was dismissed. Satbir is stated to have already undergone the sentence.

Before this Court, limited prayer made is for showing leniency- in quantum of sentence. Custody certificate shows that the petitioner Subhash has undergone the total sentence of 3 months and 3 days including remissions of 1 month and 2 days and petitioner Sunder has undergone the total sentence of 3 months including remissions of 1 month and 2 days. One of the injuries on the tooth of one of the injured was found to be grievous in nature.

Judgment of the lower Court reveals that in this case, five persons, namely, Surender, Ramesh, Inderjeet, Jai Prakash and Jaidayal were injured. Surender and Jai Parkash had received 5 injuries each. One injury on the person of Jai Prakash was found to be grievous in nature. Petitioners are not the previous convicts nor any other case is pending against them.

Considering the background of the petitioners, sentence of Rigorous Imprisonment for one year awarded to them under Section 325 and 148 IPC is hereby reduced to Rigorous Imprisonment for nine months. However, both the petitioners are ordered to pay Rs.10,000/- each as compensation to the injured Surender and Jai Prakash which shall be shared equally by them.

With the above noted modification, the revision petition is dismissed.

11.10.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No