

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

CRR-881-2017 (O&M)

Date of decision: 04.07.2017

Kulwant Singh**.....Petitioner****versus****State of Haryana****.....Respondent****CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.G.S.Sidhu, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana
Mr.P.K.Ganga, Advocate counsel for the complainant

- 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?*

Kuldip Singh, J. (Oral)

Present revision is directed against the judgment 30.1.2017, passed by learned Additional Sessions Judge, Sirsa affirming the judgment of conviction dated 9.1.2013 and order of sentence dated 10.1.2013 passed by learned Chief Judicial Magistrate, Sirsa vide which, the present revisionist was convicted for commission of offences under Sections 326, 324 and 323 read with Section 34 IPC and sentenced as under:-

<i>Under Section 326 IPC</i>	<i>To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/-. In default of payment of fine, the convict shall undergo R.I. Imprisonment for a period of two months each.</i>
<i>Under Section 324 IPC</i>	<i>To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-. In default of payment of fine, the convict shall undergo R.I. Imprisonment for a period of one month.</i>
<i>Under Section 323/34 IPC</i>	<i>To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.300/-. In default of payment of fine, the convict shall undergo R.I. Imprisonment for a period of one month.</i>

All the sentences were directed to run concurrently.

The allegations against the present petitioner are that on account of cultivation of the land, a dispute took place between the tenants of the present petitioner. Present petitioner Kulwant Singh came there and gave a Gandasa blow on the head of the complainant Dalbir Singh. Another Gandasa blow was given on the leg. Other two tenants of the present petitioner namely, Ram Partap and Sita Ram also gave Lathi and Danda injuries to the complainant. Injury on the leg of the complainant was found to be grievous in nature being fracture. However, injury on the head was found to be simple in nature.

Learned counsel for the petitioner at the very outset has stated that he restricts the prayer for reduction of the sentence. Prayer has been opposed by the learned State counsel and learned counsel for the complainant.

Learned counsel for the present revisionist has argued that injury on the head was found to be simple in nature. It was a dispute on account of cultivation of the land. Reference is also made to a complaint file by one Sulochana (wife of one of the accused in this case namely Ram Parshad) against the complainant which was later on withdrawn.

As per custody certificate, the petitioner has already undergone the actual sentence of six months and seven days and with remissions 6 months and 23 days as on 3.7.2017.

After considering the facts and circumstances, the fact that it was a dispute on account of cultivation, I am of the view that there is some scope for reduction in the sentence. Therefore, sentence of Rigorous Imprisonment for two years under Section 326 IPC is reduced to one year,

while fine is enhanced from Rs.500/- to Rs.50,000/-payable as compensation to complainant Dalbir Singh. Remaining part of the sentence is maintained.

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

04.07.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No