

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

**CRR No.914 of 2017 (O&M)
Date of Decision: May 19, 2017**

Kishore alias Jony

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Parminder Singh, Advocate
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kishore alias Jony against respondent State of Haryana, challenging the impugned judgment of conviction dated 09.04.2014 and order of sentence dated 16.04.2014 passed by learned Judicial Magistrate Ist Class, Karnal, vide which the petitioner was convicted and sentenced to pay fine of ₹1000/- under Section 323 IPC and to undergo simple imprisonment for a period of one year and to pay fine of ₹5000/- and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days under Section 325 IPC and also challenging the judgment dated 11.01.2017 passed by learned Addl. Sessions Judge, Karnal, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, 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.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.416 dated 02.09.2008. The brief facts of the case as noted down in the judgment passed by learned JMIC, Karnal, are as under:-

“2. Succinctly facts of the prosecution case are that the case was registered on the basis of statement given by Parveen son of Jiwan Dass, resident of Shyam Nagar, Karnal to the effect that he resides in the abovesaid address and working as labourer. On 25.08.2008 at about 8.15 p.m he and his brother Kuldeep and Sunil son of Babu Ram were present at Goga Meri. At that time Jony came there with hockey and told him that he will teach a lesson for giving abuses and after that he hit him on his head. Thereafter three young boys also came with danda and hit him on right leg as well as back. Thereafter Jony hit him on right knee, so he fell down on the earth. Out of three boys, one boy had also hit him on his mouth with fist blow. When he raised a noise then peoples were gathered at the spot and they saved him from the clutches of the accused persons. After that accused persons ran away from the spot alongwith weapons. On this statement of complainant case against accused was registered under Sections 323/325/34 of IPC. The accused were arrested. Challan against accused persons as per Section 173 Cr.P.C was produced in the Court.”

Learned JMIC, Karnal 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, Karnal, vide judgment dated 11.01.2017.

Aggrieved from the above-said judgments, present revision

petition has been filed.

At the time of arguments, learned counsel for the petitioner prayed for reduction of sentence. Learned counsel for the petitioner contended that petitioner is poor person, only bread earner of the family and suffering from the criminal proceedings since 2008.

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

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be poor person, only bread earner of the family and is facing long protracted criminal proceedings since 2008 i.e. for the last about 9 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo simple imprisonment for a period of five months instead of one year under Section 325 IPC. However, other sentence, sentence of fine and in default thereof shall remain the same.

With the above-said modification in the sentence, the present revision petition stands partly allowed.

May 19, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No