

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

Sr.No.240

**Criminal Revision No.2547 of 2016
Date of Decision:09.10.2018**

Anil Kumar

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Amaninder Preet, Advocate
for the petitioner

Mr.Manreet Singh Nagra, AAG Punjab

Mr.Adarsh Dhaliwal, Advocate for
Mr.G.S.Dhillon, Advocate
for respondents No.2 and 4 to 6

Mr.Vivek Goel, Advocate
for respondent No.3

ARVIND SINGH SANGWAN, J. (ORAL):

Prayer in this petition is for setting aside the judgement dated 12.05.2016, passed by Additional Sessions Judge, Faridkot, vide which the revisional Court, partly allowed the appeal filed by respondents No.2 to 6 and while setting aside the conviction under Section 326 IPC they were convicted only under Section 323 IPC read with Section 148 and 149 IPC, and were released on probation of good conduct.

Brief facts of the case are that an FIR No.88 dated 27.07.2010, under Sections 326/323/148/149 IPC, Police Station Sadar, Kotkapura, was got registered at the instance of the petitioner-Anil Kumar that on 27.07.2010, when he along with his brother Sunil Kumar and cousin Kulbir Singla, were returning to their home, 8/9 persons stopped their car and caused injuries to the petitioner Anil Kumar and Kulbir Singla. The police

after completion of investigation and arresting the accused persons submitted the report under Section 173 Cr.P.C. Thereafter, the prosecution led its evidence and on the basis of the medical evidence led by the complainant, the trial Court vide its judgement dated 15.03.2016, held respondents No. 2 to 6 guilty of offence punishable under Sections 326,323,148,149 IPC and sentenced them to undergo rigorous imprisonment for three years and to pay a fine of Rs.5000/-each.

Thereafter, the accused preferred an appeal and the lower appellate Court, vide impugned judgement dated 12.05.2016, while partly allowing the appeal under Section 326 IPC, held respondents No.2 to 6 guilty of offence punishable under Sections 323/148/149 IPC and released them on probation by furnishing probation bonds in the sum of Rs.20,000/- each, for a period of six months, with an undertaking to appear and receive the sentence as and when called upon by the Court.

The present revision petition has been filed challenging the aforesaid impugned judgement dated 12.05.2016 passed by the lower appellate Court.

During the course of arguments, learned counsel for the petitioner restricts his argument that the petitioner as well as the injured/victim Kulbir Singla, may be awarded suitable compensation under Section 357(3) of Cr.P.C. Learned counsel for the petitioner submits that as per the medical evidence, one tooth of the petitioner was broken, therefore, he may be awarded Rs.40,000/-as compensation and since the victim–Kulbir Singla has sustained simple injuries, he may be awarded Rs.10,000/- as compensation.

Learned counsel for respondents No.2 to 6 submits that they are

ready to pay the sum of Rs.10,000/- each, which shall be payable to the petitioner Anil Kumar as well as injured Kulbir Singla.

In view of the same, this petition is disposed of. Respondents No.2 to 6 are directed to deposit Rs.10,000/- each, before the Chief Judicial Magistrate/Additional Chief Judicial Magistrate/trial Court, on or before 30.11.2018. The said amount shall be disbursed to petitioner Anil Kumar and victim Kulbir Singla, as noticed above. In case, respondents No.2 to 6 fail to deposit the amount, liberty is granted to petitioner to revive the petition.

(ARVIND SINGH SANGWAN)
JUDGE

09.10.2018

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Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No