

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

CRR No.3057 of 2016 (O&M)

Decided on:-October 04, 2018.

Raj Kumari and another

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rakesh Kumar Sharma, Advocate
for the petitioners.

Mr. Ripu Daman, Assistant Advocate General, Haryana.

Mr. Harkesh Manuja, Advocate
for respondents No.2 to 5.

HARI PAL VERMA, J. (ORAL)

CRM-35171-2018

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record affidavits of respondents No.2 to 5 as Annexures A-1 to A-4 respectively.

The affidavits Annexures A-1 to A-4 are taken on record subject to all just exceptions.

CRM stands disposed of.

CRR No.3057 of 2016

The petitioners have filed the present criminal revision impugning the judgment dated 27.01.2016 passed by learned Additional

Sessions Judge, Gurgaon, whereby the appeal filed by respondents No.2 to 5-accused against the judgment of conviction dated 23.07.2014 and order of sentence dated 25.07.2014 passed by learned Judicial Magistrate 1st Class, Gurgaon was disposed of with modification in the order of sentence.

Briefly stated, on the basis of a complaint submitted by petitioner No.1 Raj Kumari, FIR No.79 dated 07.04.2010 under Sections 323 and 325 read with Section 34 IPC was registered against the respondents No.2 to 5 at Police Station Kherki Daula, District Gurgaon. As per the complaint, on 28.03.2010 at about 10.00 A.M., Badlu Ram, father-in-law of the complainant was sitting outside the house, when her neighbour i.e. respondent-accused Suresh son of Banwari came with an iron rod (Saria) in his hand and started abusing her father-in-law. He threatened him for raising a small water tank (Hodi) in the passage and gave an iron rod blow on the head of Badlu Ram due to which he fell down. In the meanwhile, respondent-accused Vinod came on the spot and he also inflicted an iron rod blow on the head of the complainant. Thereafter, respondents-accused Ashok son of Banwari and Virender alias Gabbu also attacked and gave various beatings to the complainant and her father-in-law Badlu Ram. When she cried for help, one Sunder son of Balram came to rescue her, but accused Gabbu gave an iron rod blow on the head of Sunder. All the accused also inflicted various injuries on her head, back, right hand elbow, hips and stomach. Thereafter, Ranbir son of Sukhram and Jaiveer Sarpanch came on the spot of occurrence and rescued the complainant party from the clutches of the accused.

Vide judgment dated 23.07.2014, learned trial Court held the respondents No.2 to 5-accused guilty and convicted them under Sections 323 and 325 read with Section 34 IPC. Vide separate order of sentence dated 25.07.2014 passed by the trial Court, the respondents No.2 to 5 were sentenced as under:

<u>Offence</u>	<u>Sentence</u>
323 IPC	To pay a fine of Rs.1,000/- each and in default thereof, to undergo simple imprisonment for one month.
325 IPC	Rigorous imprisonment for two years each and to pay a fine of Rs.1,000/- each and in default thereof, to further undergo simple imprisonment for one month.

Besides this, the respondents No.2 to 5 were also directed to pay compensation to the complainant and injured Badlu Ram to the amount of Rs.5,000/- each.

Feeling aggrieved, the respondents No.2 to 5 preferred an appeal before the Court of Session. However, vide impugned judgment dated 27.01.2016 passed by learned Additional Sessions Judge, Gurgaon, while affirming the conviction, respondents No.2 to 5 were ordered to be released on probation for a period of one year each by submitting probation bonds in the sum of Rs.30,000/- each with one surety each in the like amount to the satisfaction of trial Magistrate by making undertaking therein that they shall keep peace and shall bear good moral conduct. It was further ordered that the respondents No.2 to 5-accused shall pay a sum of Rs.10,000/- each as compensation to injured Raj Kumari and Badlu Ram in equal shares under

Section 357 Cr.PC within 15 days. In this manner, the compensation granted to both the injured was enhanced from Rs.5,000/- to Rs.20,000/- each. It was further ordered that the fine component shall remain the same.

Not satisfied with the aforesaid judgment dated 27.01.2016 passed by learned appellate Court, complainant Raj Kumari and injured Badlu Ram have filed the present criminal revision.

Learned counsel for the petitioners states that during pendency of the present criminal revision, petitioner No.2 Badlu Ram has died and, therefore, the present revision now survives qua petitioner No.1 only.

He further states that during the pendency of present criminal revision, the respondents No.2 to 5 are threatening the petitioner No.1.

At this stage, learned counsel for respondents No.2 to 5 states that the amount of fine imposed by learned trial Court as well as the amount of compensation of Rs.20,000/- each imposed by learned appellate Court has already been deposited by the respondents No.2 to 5 before the trial Court. He further states that though adequate compensation has been awarded by learned trial Court, but still in order to compensate the petitioner No.1, the respondents No.2 to 5 are ready to make another payment of Rs.1,00,000/- to petitioner No.1. He undertakes to deliver a bank draft of Rs.1,00,000/- to petitioner No.1 Raj Kumari (petitioner No.2, who was father-in-law of petitioner No.1 has since expired).

Learned counsel for respondents No.2 to 5 further contends that though the respondents have never extended any threat to petitioner No.1 nor

they will do so in future and in this regard, the respondents No.2 to 5 have also furnished their respective affidavits in the Court today.

Satisfied with the aforesaid assurance, learned counsel for the petitioners seeks withdrawal of the present petition.

The present criminal revision is, accordingly, dismissed as withdrawn with a direction to the respondents No.2 to 5 to hand over a bank draft of Rs.1,00,000/- to petitioner No.1 within a period of 15 days from today. The petitioner is also at liberty to get the amount of compensation awarded by learned appellate Court, which stands deposited with the trial Court.

It is made clear that in case the respondents No.2 to 5 have not deposited the amount of compensation before the trial Court and they fail to hand over the bank draft of Rs.1,00,000/- to petitioner No.1 within the aforesaid period of 15 days, the petitioner No.1 shall be at liberty to revive the present criminal revision.

October 04, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No