

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 819 of 2018(O&M)

Vicky @ Dhillu
.....Petitioner
versus
State of Haryana
.....Respondent

Crl. Revision 1014 of 2018 (O&M)

Vikas
.....Petitioner
versus
State of Haryana
.....Respondent

Crl. Revision 1170 of 2018 (O&M)

Parveen Kumar @ Pana
.....Petitioner
versus
State of Haryana
.....Respondent

Crl. Revision 1201 of 2018 (O&M)

Bharat Bhushan @ Naveen
.....Petitioner
versus
State of Haryana
.....Respondent

Crl. Revision 1574 of 2018 (O&M)

Ajay Kumar and another
.....Petitioners
versus
State of Haryana
.....Respondent

Date of Decision: September 21, 2018

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Sharmila Sharma, Advocate for the petitioner **(in CRR-819-2018)**.
Mr. Vikas Lochab, Advocate for the petitioner **(in CRR-1014-2018)**
Mr. Krishan Singh, Advocate
for the petitioners(s) **(in CRR-1170-2018 & CRR-1574-2018)**
Mr. H.N. Sahu, Advocate for the petitioner **(in CRR-1201-2018)**
Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

This order shall dispose of above five revision petitions as the same have arisen out of the common impugned judgment of conviction and order of sentence.

2. The petitioners were tried for offences under Section 323, 325 and 382 IPC for causing hurt and grievous hurt to complainant – Rakesh son of Jagdish after having made preparation therefor in order to committing of theft. Vide judgment dated 17.04.2015, learned Judicial Magistrate Ist Class, Gohana, convicted them under Sections 323 and 325 read with 34 of the Indian Penal Code (45 of 186) and sentenced as follows : -

Offence	Sentence	Fine
323 read with Section 34 IPC	RI for a period of one year	Rs. 500/- each and in default of payment of fine, they shall undergo rigorous imprisonment for a period of six months
325 read with Section 34 IPC	RI for a period of two years	Rs. 1000/- each and in default of payment of fine, they shall undergo rigorous imprisonment for a period of six months

3. Sentences were ordered to run concurrently.

4. The petitioners preferred appeals, which were dismissed by learned Additional Sessions Judge, Sonipat vide judgment dated 01.02.2018. Hence, the instant revision petitions.

5. Notice of motion was issued only regarding the quantum of sentence because learned counsel for the petitioners has prayed for leniency and reduction of the quantum of sentence.

6. Learned State counsel has placed on record Custody Certificates of the petitioners, issued by Sh. Ram Chander, Deputy Superintendent, District Prison (Sonipat), Haryana and the same are taken on record. According to these custody certificates, the petitioners have undergone actual custody of about nine months inclusive of remission and no other cases are pending against them.

7. A perusal of record reveals that the petitioners are of young age in their thirties. Challan in this case was presented on 19.02.2010 and thereafter they have faced protracted trial for about five years apart from undergoing the above actual custody after dismissal of their appeals by the learned Additional Sessions Judge, Sonipat. Further, petitioners are not hardened criminals as is evident from the custody certificates as no other criminal cases are pending/decided against them.

8. Keeping in view the fact that one of the objectives of criminal jurisprudence, is to reform a convict as well as the fact that the petitioners have faced travails of trial for about five years besides undergoing custody of about nine months, I feel that the petitioners have been adequately punished.

9. Accordingly, the judgment of conviction dated 17.04.2015 passed by Judicial Magistrate Ist Class, Gohana as upheld by Additional Sessions Judge Sonipat vide judgment dated 01.02.2018, is affirmed. So far as order of sentence is concerned the petitioners are sentenced to the period already undergone by them. The petitioners be set at liberty forthwith, in case they are not required in any other case.

10. With the above modification in the sentence part, the instant revision petitions stand dismissed.

11. Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned for compliance.

September 21, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No