

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 873 of 2018

Date of Decision: September 21, 2018

Jeemodeen and others

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Dhull, Advocate
for petitioners No. 1 and 4

Mr. Alok Mittal, Advocate
for respondents No. 2, 3 and 5

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

Vide judgment dated 26.03.2015 passed by Sub Divisional Judicial Magistrate, Bilaspur (Yamuna Nagar), the petitioners were convicted under Sections 323, 325 read with Section 34 IPC and were sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs. 500/-, each for the offences under Section 323/34 IPC and to undergo rigorous imprisonment for 1 ½ years and to pay fine of Rs. 1000/- each, for the offence under Section 325/34 IPC and in default of payment of fine, they were further directed to undergo rigorous imprisonment for one month. Vide the judgment dated 28.02.2018 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhri, their appeal was dismissed. Thereafter, the revision petition has been preferred.

Notice was issued, since the counsel for the petitioners confined his prayer to reduction in the quantum of the sentence/release of petitioners on probation as the petitioners were first offenders.

Custody certificate of the petitioners show that there is no other

criminal case pending/decided against them.

The record shows that dispute arose between the neighbours resulting in the incident. The petitioners are not 'criminals' in the true sense of the words. They are first offenders. The FIR was registered on 3.10.2008 and, thus, they underwent protracted trial of seven years. As on date, they have undergone sentence of more than six months and, thus, in my opinion they have received adequate punishment.

In view of the above, impugned judgment of conviction dated 26.03.2015 passed by the Sub Divisional Judicial Magistrate, Bilaspur and as upheld by Additional Sessions Judge vide judgment dated 28.02.2018, is affirmed. So far as order of sentence is concerned, the petitioner is sentenced to the period already undergone by him.

With the above modification in the impugned order of sentence, instant revision petition is dismissed. The petitioner be set at liberty forthwith, in case he is not required in any other case.

Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate/Sub Divisional Judicial Magistrate, concerned for compliance.

September 21, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No