

Sushil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWALPresent: Mr.Mohinder Kumar, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL,J. (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Sections 323, 325 read with Section 34 of IPC and sentenced to undergo three months rigorous imprisonment for offence under Section 323 IPC and nine months rigorous imprisonment and Rs. 500/- as fine under Section 325 IPC and in default of payment of fine, to further undergo rigorous imprisonment of two months, registered at Police Station Sector 5, Panchkula.

Learned counsel for the petitioner contends that the instant FIR is the outcome of a sudden quarrel between the petitioner and his landlord. The injuries which are allegedly suffered by the complainant, are simple in nature except fracture on two fingers of his right foot. Injury/fracture was attributed to Deepak Kalia, who is the son of the petitioner, and during pendency of the trial, Deepak had expired. The complainant has fully recovered from his injury. Learned counsel for the petitioner also contends that he is not challenging the conviction and would confine his prayer to the quantum of sentence. The petitioner has

undergone actual sentence of imprisonment of three months and nineteen days out of the total sentence of nine months, therefore, his sentence be reduced to the sentence already undergone by him.

Heard.

It is the case of the prosecution that both the accused, i.e. petitioner along with his son, have caused injuries to the complainant (PW4). In his testimony, he has attributed the injury on the leg of the complainant which led to a fracture, which is attributed to Deepak Kalia, who is son of the petitioner. Deepak Kalia has expired during pendency of the trial. The injuries, which are attributed to the petitioner, are simple in nature

The petitioner, who was 50 years of age at the time of the incident, and is now over 70 years of age, is not involved in any other case. The petitioner has undergone actual sentence of imprisonment of three months and nineteen days out of the total sentence of 9 months and has faced criminal proceedings for over two decades.

I am of the view that it would be just and equitable if the sentence of the petitioner is reduced to the period already undergone by him.

Therefore, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

With the aforesaid modification, the petition stands disposed of.

21.05.2019
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No