

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

**CRR No. 1244 of 2013
Date of decision: 14.01.2019**

Anju @ Naresh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mohd. Shahid Hussain, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Ashok Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the judgment of conviction dated 17.01.2012 and order of sentence dated 18.01.2012, passed by the trial Court, vide which, the petitioners along with three other co-accused were held guilty for commission of offences punishable under Sections 148, 323, 324, 325, 452 of the Indian Penal Code read with Section 149 of the Indian Penal Code and were sentenced as under:

Under Section	Sentence
148 IPC	To undergo RI for 01 year and to pay a fine of Rs. 2,000/- each, in default of payment of fine, to further undergo RI for 01 month.
323 IPC	To undergo RI for 06 months.
324 IPC	To undergo RI for 02 years and to pay a fine of Rs. 2000/- each, in default of payment of fine, to further undergo RI for 01 month.

325 IPC	To undergo RI for 02 years and to pay a fine of Rs. 5000/- each, in default of payment of fine, to further undergo RI for 02 months.
452 IPC	To undergo RI for 06 months and to pay a fine of Rs. 1000/- each, in default of payment of fine, to further undergo RI for 15 days.

All the sentences were ordered to run one after another.

The petitioners along with other co-accused preferred appeal against the aforesaid judgment of conviction and order of sentence before the lower appellate Court. The lower appellate Court, vide its judgment dated 15.02.2013, while partly allowing the appeal, acquitted the three co-accused, however, the conviction of the petitioners was upheld. Hence, the present petition.

During the course of hearing, learned counsel for the petitioners contended that he does not contest the findings, recorded by the learned trial Court, on merits of the case and would feel satisfied if some leniency is shown in the matter of sentence. Learned counsel for the petitioners further submitted that FIR in question pertains to the year 2004 and in the intervening period, the petitioners have not repeated any such offence and there is no complaint from the complainant's side that the petitioners have extended any threat to them.

Learned counsel for the petitioners also submitted that the petitioners have not misused the concession of bail and have also improved their behaviour and they have already undergone the agony of protracted trial and now petitioner No. 1 is aged about 50 years and petitioner No. 2 is aged about 35 years.

Learned counsel for the petitioners further submitted that petitioners are also ready to compensate injured Ram Chand s/o Bhagwan

Dass, Kishan Devi d/o Ram Chand and Lata w/o Pawan Kumar.

Learned counsel for the petitioners further submitted that the ends of justice would be met if some leniency is shown to the accused/petitioners in the matter of sentence. As such, their sentence may be reduced to the period already undergone by them.

Learned State counsel, assisted by learned counsel for the complainant, could not dispute the fact that petitioners have not misused the concession of bail and they are not subsequently involved in in any FIR/complaint.

Learned State counsel has also filed custody certificates of the petitioners, as per which, both the petitioners have undergone 03 months and 21 days of total sentence including remissions of 04 days.

I have heard learned counsel for the parties.

The FIR is of the year 2004 and the petitioners have already undergone agony of protracted trial during the intervening period. It is also worth noticing that three of the co-accused of the petitioners have already been acquitted by the lower appellate Court. Moreover, the petitioners are also ready to compensate the injured/victims as noticed above.

Therefore, without going into the merits of the case and considering the aforesaid facts and circumstances, I find it a case where the reduction of sentence of the petitioners would serve the ends of justice. As such, while maintaining the impugned judgment of conviction dated 17.01.2012, the sentence awarded by the trial Court to the petitioners, is reduced to the period already undergone by them. Their bail bonds and surety bonds are discharged. Sentence of fine awarded to petitioners shall

remain intact.

However, this will be subject to the condition that petitioners will deposit Rs. 25,000/- each with Chief Judicial Magistrate, Palwal within a period of two months i.e. on or before 15.03.2019.

Out of the aforesaid amount, Rs. 25,000/- shall be paid to Ram Chand s/o Bhagwan Dass, Rs. 12,500/- to Kishan Devi d/o Ram Chand and Rs. 12,500/- to Lata w/o Pawan Kumar.

In view of the above discussion, this revision petition is disposed with the above modification.

It is made clear that in case the petitioners fail to deposit the aforesaid amount within the time stipulated, this petition shall be deemed to have been dismissed with no further orders.

January 14, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No