

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2139 of 2013

DATE OF DECISION: APRIL 22, 2019

SATPAL AND OTHERS

...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.P.S. SIDHU, ADVOCATE FOR THE PETITIONERS.
MR. ANMOL MALIK, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

The petitioners have filed the present revision petition challenging the judgement of conviction and order of sentence dated 5.11.2011 and 7.11.2011, respectively, passed by the Judicial Magistrate Ist Class, Mandi Dabwali and affirmed by the Addl. Sessions Judge, Sirsa vide its judgement dated 3.7.2013, in case FIR No.239 dated 14.10.2006 registered at Police Station Sadar Dabwali, Sirsa vide which the petitioners were convicted and sentenced to undergo S.I. for 6 months under Section 323/34 IPC and to undergo R.I. for 1 year for the offence under Section 342/34 IPC. All the sentences were ordered to run concurrently.

The case of the prosecution is that on the intervening night of 12/13.10.2006 a medical ruqa was received from General Hospital, Sirsa regarding admission of one injured Mahender Kumar. After obtaining the fitness of the injured from the Doctor concerned, the statement of Mahender Kumar was recorded, who informed that on 12.10.2006, he had gone to

village Jandwala Bishnoian to attend the marriage of son of Sheshkaran. At around 2.00 a.m. on 13.10.2006, while he alongwith others were sitting in the tent, a boy approached and asked for him, as his paternal uncle Manphool was calling him near a jeep parked near the STD booth. Two persons were sitting on the front seat of the jeep and Satpal, his brother-in-law (wife's brother) Parmod and Vijay Pal were occupying the rear portion of the jeep. As he came close-by to the jeep, all the three persons alighted from the jeep and forcibly put him in the jeep and took him to an unknown place where he was taken out of the jeep forcibly and was made to lie on the ground with his face down. Vijay Pal and two other persons caught hold of his hands and legs, whereas Satpal, who was armed with iron chain and Parmod, who was armed with a Danda started beating him. Thereafter, he was again put in the jeep and Satpal removed his mobile make Nokia bearing SIM No.094176-73053 alongwith cash of ₹4770/-. Thereafter, they all left him near the school in village Jandawala Bishnoia.

On the basis of the above complaint, FIR No.239 dated 14.10.2006 under Sections 323/342/506/34 IPC was registered at Police Station Sadar Dabwali, Sirsa. Thereafter, investigation was carried out and rough site plan was prepared. Accused were arrested and the weapons of offence were recovered and taken into possession. After completion of all the formalities, charge-sheet for the offences under Section 342, 323, 506 read with Section 34 IPC was filed and trial Court framed the charges.

The prosecution led its evidence and examined 6 witnesses. After closure of the prosecution evidence, statements of accused under

Section 313 Cr.P.C. were recorded wherein they denied the evidence and pleaded false implication.

The trial Court after examining the case in detail, convicted the accused-petitioners under Sections 323, 342 read with Section 34 IPC vide judgement of conviction dated 5.11.2011 and sentenced them vide order of sentence dated 7.11.2011, as noticed above.

The appeal filed by the petitioners before the Addl. Sessions Judge, Sirsa against the aforesaid judgement of conviction and sentence was dismissed vide judgement dated 3.7.2013.

Hence, the present revision petition.

Learned counsel for the petitioner submits that without challenging the conviction of the petitioner, he confines his prayer for reduction in quantum of sentence awarded to the petitioners. Learned counsel for the petitioners has contended that the occurrence pertains to the year 2006 and more than 12 years have elapsed that the petitioners are facing the agony of trial and appeal. It has further been contended that the petitioners are not previous convicts and have undergone 2 months and 19 days out of awarded sentence of 1 year rigorous imprisonment. Learned counsel prays that keeping in view the period undergone by them, the long period of trial and appeal suffered by them, the age of the petitioners being young and energetic and the fact that they are not previous convicts and no other case is pending against them, some leniency may be shown towards them and the sentence of the petitioners may be reduced to the one already undergone by them.

Learned State counsel, on the other hand, has opposed the prayer made by the learned counsel for the petitioners and submitted that the petitioners deserve no leniency.

Considering the submissions of the learned counsel for the petitioners, this Court is of the opinion that as the petitioners have suffered the ordeal of protracted trial and appeal for the last more than 12 years, who are not previous convicts and also no other case is pending against them, therefore, ends of justice would be met, if the sentence of the petitioners is modified and reduced to the one already undergone by them.

In view of the above, the judgement of conviction dated 5.11.2011 passed by the trial Court against the petitioners is upheld, whereas the sentence awarded to the petitioners is modified by reducing it to the one already undergone by them.

With the above modification in reduction of sentence, the revision petition stands disposed off.

April 22, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No