

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

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CRR-1457-2018 (O & M)
Date of Decision:14.05.2019

Dheeraj Sharma and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh, Advocate for the petitioners.

MANOJ BAJAJ, J.

Convicts-Dheeraj Sharma, Neeraj Sharma and Pankaj Sharma have filed this revision petition to challenge the Appellate Court judgment dated 23.01.2018 passed by the learned Additional Sessions Judge, Karnal, whereby it has acquitted the petitioners for the offence under Section 25 of the Arms Act, 1959 but upheld their conviction for the offences punishable under Sections 323, 325, 342 and 506 IPC recorded by the trial Court vide judgment of conviction dated 05.03.2014, however, the order of sentence dated 05.03.2014 was modified by extending the concession of probation to the petitioners.

As per prosecution on 31.07.2006, an FIR was registered on the statement of the complainant Raj Kumar wherein it was stated that he was running a business of finance and accused Dheeraj Sharma had some financial transaction with his cousin namely Pushpinder and the latter had to take ₹5,000/- from Dheeraj Sharma. A few days ago, Dheeraj Sharma and Pushpinder had abused each other in connection with the said transaction and Raj Kumar along with his another cousin Randeep met Dheeraj Sharma in order to complain regarding the said incident about 7-8 days earlier, and

Dheeraj Sharma gave beatings to Randeep on the said date and the matter had even been reported to the police post of Sadar Bazar. Regarding the said incident, Dheeraj Sharma had asked Raj Kumar on 29.07.2006 to come to his house in Avtar Colony on 30.07.2006 between 4-5 p.m. where the matter would be resolved. On 30.7.2006 at about 4.30 p.m., Raj Kumar reached Avtar colony alone and did not take Pushpinder or Randeep alongwith in order to avoid confrontation. When Raj Kumar reached near the house of Dheeraj Sharma, he found Dheeraj Sharma along with his real brother Neeraj and Pankaj standing in front of the house. The said accused stopped Raj Kumar and started beating him and took him inside their house forcibly and closed the door. It was alleged that inside the said house Vikas and Monty alongwith Rohit and his brother Deepak were already present. When Raj Kumar was taken inside the said house, Dheeraj Sharma asked everybody present there to beat Raj Kumar and also stated that he would get him booked under Arms Act also. Thereafter, Dheeraj Sharma, Neeraj, Pankaj etc. started beating the complainant with dandas, due to which he fell down. Thereafter, the accused threatened Raj Kumar with death on the next available opportunity. Raj Kumar became unconscious and when he regained consciousness he found himself in Civil Hospital Karnal. It was stated that the said incident had been witnessed by Vijay Kumar, Mangal Kumar, Subhash and other persons residing in Avtar colony Karnal.

After investigation, the challan was filed by the police and the trial commenced. After examining the evidence, the trial Court proceeded to hold petitioner No.1 guilty for the offences punishable under Sections 323, 325, 342, 193, 506 read with Section 149 IPC and Section 25 of the Arms Act; petitioners No.2 and 3 guilty for the offences punishable under

Sections 323, 325, 342, 506 read with Section 149 IPC and imposed the sentence, as noticed above.

Aggrieved against the judgment of conviction and order of sentence passed by the trial Court, petitioners preferred an appeal before the Appellate Court. It was specifically prayed that in case the petitioners are found guilty, the sentence be modified and concession of probation be extended to them. The appellate Court vide judgment dated 23.01.2018 modified the conviction and order of sentence.

The present revision petition has been filed to challenge the judgment of Appellate Court on merits on the ground that the evidence on record was not sufficient to hold the petitioners guilty.

After hearing learned counsel for the petitioners and perusing the impugned judgment of the Appellate Court, this Court finds that the Appellate Court has examined the entire case minutely and carefully and proceeded to uphold the conviction but with modification. It needs to be noticed here that the offences for which the petitioners were charged were against the human body and the victims have stood their ground while testifying against the accused before the trial Court. Not only this, the petitioners had made an alternate prayer for granting the concession of probation which was accepted by the appellate Court.

In view of the above, this Court does not find any illegality or impropriety in the impugned judgment passed by the Appellate Court

Revision petition is dismissed.

14.05.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No