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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 20.01.2020

CRR-1327-2019 (O&M)

Mahesh Chand

... Petitioner

v/s

State of Haryana

... Respondent

CRR-1358-2019 (O&M)

Pritam and others

... Petitioners

v/s

State of Haryana

... Respondent

CRR-1375-2019 (O&M)

Mohd. Lal Babu @ Suhel and others

.. Petitioners

v/s

State of Haryana

... Respondent

CRR-1402-2019 (O&M)

Rajesh

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:

Mr. Ram Bilas Gupta, Advocate
for the petitioners in CRR-1375-2019 and

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for petitioners No. 1 to 3 in CRR-1358-2019.

Mr. Anirudh Singh Shera, Advocate
for petitioner Nos.4 and 5 in CRR-1358-2019.

Mr. Vipul Sharma, Advocate
for the petitioner in CRR-1327-2019.

Mr. Ram Krishan Rana, Advocate
for the petitioner in CRR-1402-2019.

Mr. Parveen Aggarwal, DAG Haryana.

Mr. Shashikant Singh, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Learned counsel for the petitioner contends that he wants to withdraw the revision petition i.e. CRR-1375-2019 qua Mahesh Chand (petitioner No.3) as separate CRR No. 1327 of 2019 on his behalf has already been filed.

Revision Petition CRR-1375-2019 qua petitioner No.3-Mahesh Chand is dismissed as withdrawn.

Custody certificates have been placed on record. During the course of hearing it has been stated that petitions may be disposed of finally.

Briefly, as per the allegations of the prosecution Sadre Alam @ Mubarik had made a statement to the police alleging that on 25.1.2010, he along with his father had gone to market for some personal work and then his father received a telephonic call from Shoaib Alam for getting the compromise effected between Laddu and Lal Babu with regard to the dispute which took place on 21.01.2010 with respect to a bag.

Consequently, complainant along with his father went in Scorpio vehicle.

Meanwhile several persons including Deen Dayal @ Deena, Vijay, Pritam, Roop Chand, Ajay, Rakesh, Rinku, Mahesh @ Lal Babu and several other persons armed with Lathi, Sticks and stones arrived at the spot. An alarm was raised. The car of the complainant was damaged by pelting stones. The injuries were also inflicted on his head, stomach and chest with Lathi and sticks. Shoaib Alam, Ashok Bhatia, Ali Asgar came forward to rescue the complainant. A sum of Rs. 2,70,000/- kept in the car was found to be missing.

On the aforesaid allegations, an FIR was registered. On completion of investigation, challan was presented. The prosecution had examined 10 witnesses besides producing documentary evidence. Statements of the accused under Section 313 Cr.P.C. were recorded but no defence evidence was led by them.

The learned Judicial Magistrate First Class, Faridabad convicted the accused for committing an offence under Section 323, 325, 427, 147, 148, 149 of IPC vide judgment dated 17.3.2017 and all the accused were sentenced as follows:

	Under Section	Quantum of sentence
1	148 IPC read with Section 149 IPC	Six months rigorous imprisonment
2	149 IPC read with Section 149 IPC	Six months rigorous imprisonment
3	323 read with Section 149 IPC	Six months rigorous imprisonment
4	427 read with Section 149 IPC	Six months rigorous imprisonment
5	325 IPC read with Section 149 IPC	One year rigorous imprisonment + and fine of Rs.1000/-

All the sentences were ordered to run concurrently.

Aggrieved by the aforesaid judgment Mohd. Illiyas, Mohd.

Mukhtyar, Mohd. Lal Babu @ Suhel, Kuldeep @ Rinku, Mahesh Chand and Rajesh preferred a criminal appeal before the Court of Sessions. A separate appeal was preferred by Pritam, Roop Chand, Ajay Kumar, Deen Dayal and Vijay Kumar. Both the appeals were separately decided by learned Addl. Sessions Judge, Faridabad vide judgment dated 20.5.2019. Both the appeals were dismissed. The judgment of conviction and sentences were affirmed.

Aggrieved by the judgments of the Courts below the present revision petitions have been preferred by Mahesh Chand, Pritam, Roop Chand, Ajay Kumar, Deen Dayal, Vijay Kumar, Rajesh, Mohd. Lal Babu @ Suhel and Kuldeep @ Rinku.

Heard and record perused.

During the course of hearing learned counsel for the petitioners have not assailed the judgment of conviction and have only prayed for leniency in the matter of sentence. During the course of trial prosecution eye-witness count was revealed by Sadre Alam @ Mubarik, PW1 which was supported with the eye-witness count given by Aftab Khan PW2, Ashok Bhatia PW3, Mohd. Sayab Khan PW6 and Mohd. Laddu PW7. The ocular version was also supported by medical evidence and in such circumstances, judgment of conviction has been correctly recorded and does not call for any interference.

The petitioners have been sentenced to undergo imprisonment for a period of one year for committing offences under Section 325 IPC.

Lesser sentences have been imposed with regard to the other offences and

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all the sentences have been directed to run concurrently.

Custody certificates have been placed on record which indicate that the petitioners have undergone actual imprisonment of period exceeding 8 months and have also earned remission for a period exceeding one month. The occurrence took place as back as about 10 years ago. The petitioners are facing the agony of trial and appeal for a period of 10 years. In such circumstances, the ends of justice would be met if the sentence imposed upon them is reduced to the period already undergone by them without alteration in sentence with respect to time.

Accordingly, orders are modified to the extent that petitioners are sentenced to the period of imprisonment already undergone by them. They be released forthwith, if not required in any other case.

20.01.2020

Janki

**(VIVEK PURI)
JUDGE**

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