

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2717-2019 (O&M)
Date of Decision:-6.1.2020

Ashok Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kulwant Singh Dhanora, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging judgment dated 4.9.2019 passed by learned Sessions Judge, Kurukshetra whereby an appeal filed by the petitioner against judgment dated 7.6.2018 and order of sentence dated 11.6.2018 passed by learned Judicial Magistrate 1st Class, Shahabad, District Kurukshetra has been dismissed and conviction of the petitioner for offences punishable under Sections 323 and 325 IPC has been upheld, while the sentence in respect of offence under Section 325 IPC has been reduced from rigorous imprisonment for 3 years to 1½ years.
2. Learned Judicial Magistrate 1st Class, Shahabad, District Kurukshetra, while convicting the petitioner for offences under Sections 323 and 325 IPC, sentenced the petitioner to undergo the following imprisonment:

Offence Under Section	Sentence awarded	Fine imposed
323 IPC	Rigorous imprisonment for six months	₹500/- in default of payment of fine rigorous imprisonment for one month.
325 IPC	Rigorous imprisonment for 3 years	₹2,000/- in default of payment of fine rigorous imprisonment for three months.

3. The sentence in respect of offence under Section 325 IPC was, however, reduced from rigorous imprisonment for 3 years to 1½ years vide judgment dated 4.9.2019 passed by learned Sessions Judge, Kurukshetra.
4. At the time of preliminary hearing, i.e on 30.10.2019, learned counsel for the petitioner had confined his submission to the quantum of sentence and accordingly notice of motion had been issued to the limited extent so as to consider the propriety of the sentence.
5. I have heard the learned counsel for the petitioner and also the learned State counsel. Keeping in view the fact that the petitioner is a young man aged 37 years and is not stated to be a previous convict and has already undergone a total sentence of 4 months and 8 days including remission to the tune of 6 days, this Court is of the opinion that there could be some room for reduction in sentence.
6. Consequently, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from 1½ years to the one already undergone. The fine shall, however, remain unaltered. However, the aforesaid reduction shall be subject to the condition that the petitioner pays an amount of ₹50,000/- as compensation to the injured which shall be deposited in the Court of learned Chief Judicial Magistrate concerned within a month from today with a notice

of such deposit to injured. Upon such amount being deposited, the same shall be disbursed to the injured subject to proper identification.

7. The revision petition stands accepted to the limited extent as regards modification of sentence as indicated above.

6.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No