

CRR-3056-2019

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

**CRR-3056-2019 (O & M)
Date of decision: 12.11.2021**

Satish Kumar and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Malik, Advocate,
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (Oral)

Custody certificates by way of affidavit of the Deputy Superintendent, District Prison Kaithal, have been filed in the Court today. The same are taken on record.

The petitioners were tried in case bearing FIR No.29 dated 03.03.2011, registered at Police Station Rajound, under Sections 323 and 325 read with Section 34 IPC. The Judicial Magistrate Ist Class, Kaithal, vide judgment dated 09.03.2016 and order dated 10.03.2016, found the petitioners guilty for the offences punishable under Sections 323 and 325 read with Section 34 IPC, and sentenced them as under:

Section	Sentence
323 read with Section 34 IPC	<i>Rigorous imprisonment for a period of six months and also to pay a fine of Rs.1,000/- each. In default of payment of fine, they shall further undergo simple imprisonment for a period of six months.</i>
325 read with Section 34 IPC	<i>Rigorous imprisonment for a period of two years and also to pay a fine of Rs.2,000/- each. In default of payment of fine, they shall further undergo simple imprisonment for a period of six months.</i>

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Both the sentences were ordered to run concurrently.

Aggrieved there-against, the petitioners preferred an appeal before the learned Additional Sessions Judge, Kaithal, which was dismissed vide impugned judgment dated 31.10.2019.

Still aggrieved, the petitioners have preferred the present revision petition.

Today at the time of arguments, learned counsel for the petitioners does not question the judgments of conviction of the petitioners recorded by the courts below and for that reason, the facts are not required to be reproduced here. Learned counsel for the petitioners has made submissions only on the aspect of sentence on which this Court has heard him as well as the learned State counsel.

While making submissions qua the quantum of sentence, learned counsel for the petitioners would submit that the petitioners are first offenders and have no shady past; that they have been facing the agony of trial since 2011; that they are the only bread winning members of their family and that their conduct during the trial has been quite fair and *bona fide* and they have never obstructed the course of trial and the appeal. Each of them has already undergone the sentence of 10 months and 11 days as on 11.11.2021, including the remissions of 04 months and 10 days. Under these circumstances, the sentence imposed upon the petitioners may be reduced to the one already undergone by them.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the

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petitioners, would submit that the sentence imposed upon the petitioners is in proportion to the offences committed by them. They do not deserve any leniency.

I have heard the learned counsel for the parties.

Having heard the learned counsel for the parties and after a lucid examination of the record, this Court finds that both the courts below have rightly convicted and sentenced the petitioners under Sections 323 and 325 read with Section 34 IPC. There is no manifest error in the concurrent findings recorded by the courts below.

Thus, in my opinion, in view of the evidence on record, there is no scope for least interference in the findings of the Courts below, so far as the conviction under Sections 323 and 325 read with Section 34 IPC is concerned. Hence, the conviction of the petitioners under these sections is maintained.

However, the fact remains that the present FIR was registered on 03.03.2011; that the petitioners have been facing the agony of protracted trial for the last more than 10 years; that by now, the petitioners have already undergone the sentence of 10 months and 11 days each, including the remissions of 04 months and 10 days, out of the aforesaid substantive sentence of two years.

In this backdrop, while upholding the conviction of the petitioner under Sections 323 and 325 read with Section 34 IPC, the substantive sentence imposed upon the petitioners is reduced to the one already undergone by them. The fine imposed upon the petitioners alongwith its default clause, under the aforesaid

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sections is maintained. Apart from that, the petitioners are directed to pay a sum of Rs.15,000/-, Rs.10,000/- and Rs.10,000/- as compensation to injured-Ram Kumar, Omi Devi and Hawa Singh, respectively, within a period of two months from today. It is made clear that in case, the compensation amount is not paid within the time stipulated, the present revision petition shall be deemed to have been dismissed. The petitioners be released forthwith, if not required in any other case, and further subject to the payment of fine, if not already paid.

Revision petition is disposed of in the above terms.

12.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No