

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

**CRR No.1182 of 2012(O&M)
Date of Decision:-14.07.2022**

Udaibir and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ramendra Chauhan, Advocate
for the revisionists-petitioners.

Mr Bhupender Singh, DAG, Haryana.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment dated 07.07.2011 handed down by learned Additional Sessions Judge, Palwal (for short 'the Appellate Court') whereby the conviction of the revisionists-petitioners under Section 323 IPC, as recorded by learned Sub Divisional Judicial Magistrate, Hathin (for short 'the trial Court') vide the judgment dated 26.10.2009 has been upheld and the sentence, as awarded to them vide the order on sentence dated 28.10.2009, has been modified to the extent that they have been imposed a fine of Rs.1,000/- each for committing the above-said offence, they (petitioners) have preferred the instant petition.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the present petition, are that on 06.09.1998, complainant-Mukesh Kumar made a statement before the police alleging therein that the

complainant party was having a dispute with the accused-party over the cultivation of some agricultural land. On that day, the petitioners and their three co-accused named Netar Pal, Dharambir and Rambir, who were armed with *farsa and ballam* etc, caused injuries to him and his brothers namely Vijay and Bir Singh. On the basis of the afore-said statement, a criminal case was registered at Police Station Hathin vide the FIR bearing No.231 dated 06.09.1998 under Sections 148, 149, 447, 323 and 506 IPC. During the further investigation as carried out in this case, the above-named three co-accused of the petitioners were found to be innocent and accordingly, on completion of the necessary investigation, the Challan was presented against the petitioners only and on 15.07.1999, they were charge-sheeted for committing the afore-said offences. However, vide the order dated 05.12.2006 passed by the trial Court on an application moved under Section 319 Cr.P.C, the above-said three co-accused of the petitioners were also summoned to face the trial. The prosecution led its evidence and then, all the accused were examined under Section 313 Cr.P.C and they also led the documentary evidence in their defence.

3. Vide the judgment dated 26.10.2009, the trial Court held all the accused, i.e the petitioners and their afore-named three co-accused, guilty for committing the offences under Section 147 as well as under Sections 323, 447, 506 read with Section 149 IPC and vide the order on sentence dated 28.10.2009, they were sentenced to undergo the rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- for each of the above-said offences while further observing that in the case of

default in the payment of fine, the defaulter-convict would further undergo simple imprisonment for a period of one month.

4. All the convicts preferred an appeal to assail the afore-said judgment as well as the order on sentence as passed by the trial Court and vide the judgment dated 07.07.2011, the Appellate Court acquitted the three above-named co-convicts of the petitioners and also set aside their (petitioners') conviction under Sections 147, 447 & 506 IPC while upholding their conviction under Section 323 IPC and modified the order on sentence qua them by imposing a fine of Rs.1,000/- upon each of them, for the same.

5. I have heard learned counsel for the petitioners as well as learned State counsel in this revision petition and have also perused the file carefully.

6. Learned counsel for the petitioners contends that the petitioners have been got falsely implicated in the present case because of the dispute between them and the complainant party over some agricultural land and moreover, even the afore-said modified punishment also does not commensurate with the offence as held to have been committed by them and is on the higher side.

7. However, I do not find the above-raised contentions to be tenable at all because both the Courts below have concurrently held the petitioners guilty for the commission of the offence under Section 323 IPC. Learned counsel for the petitioners has not been able to point out even a single reason/ground to show that the afore-said observations are perverse

or illegal or are contrary to the evidence led/available on the record. As regards the quantum of sentence awarded to the petitioners, a perusal of the judgments, as passed by both the Courts below, reveals that PW-1 Mukesh Kumar, i.e the complainant, PW-2 Vijay Singh and PW-3 Bir Singh suffered as many as 09 (nine), 08 (eight) and 03 (three) injuries, i.e total 20 injuries, respectively, at the hands of the petitioners in the occurrence in question. The above-said order on sentence, as passed by the trial Court, has already been modified by the Appellate Court by imposing the fine to the tune of Rs.1000/- upon each of the petitioners and the said modified sentence can, by no stretch of imagination, be considered to be disproportionate to the said offence.

8. As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, perversity or irregularity in the impugned judgment and the order on sentence as passed by the Appellate Court so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, is hereby dismissed.

14.07.2022

seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No