

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

**Criminal Revision No.3998 of 2015(O&M)
Date of Decision: April 25, 2022**

Sodhi Ram ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Ranjivan Singh, Advocate
for the petitioner.

Mr.B.S.Sewak, Addl.AG, Punjab.

Mr.Upender Prasher, Advocate
for respondents No.2 to 4.

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HARINDER SINGH SIDHU, J.

FIR No.319 dated 10.11.2007 under Sections 324/323/34 IPC was registered on the complaint of the petitioner – Sodhi Ram against respondents No.2 to 4, in Police Station Phillaur.

Respondents No.2 to 4 faced trial. Vide judgment and order dated 31.07.2014 passed by Sub Divisional Judicial Magistrate, Jalandhar, they all were convicted and sentenced as under:-

U/s 324 read with Section 34 IPC	To undergo Rigorous Imprisonment for One Year and to pay fine of Rs.500/- and in default to undergo further RI for Ten Days.
U/s 323 IPC	To undergo Rigorous Imprisonment for Six Months

The appeal filed by the accused – respondents was dismissed vide judgment

dated 22.04.2015 upholding their conviction. However, the sentence imposed upon the respondents by the Trial Court was modified and they were ordered to be released on probation. They were also required to pay Rs.50,000/-, as compensation to the complainant – petitioner Sodhi Ram. Hence, the present revision by the complainant challenging the judgment dated 22.04.2015.

Mr. Ranjivan Singh, Ld. Counsel for the petitioner-complainant has argued that on 03.11.2007 when the petitioner – complainant was returning to his home after giving tuitions on his cycle he was attacked by the accused – respondents. He suffered injuries and was taken to Hospital.

He stated that the petitioner is a stage dramatist. Due to the injuries inflicted on him there is permanent disfigurement of his face. The petitioner is not able to carry on with his work. He has had to suffer a loss of income besides incurring considerable expense on his treatment. The lower Appellate Court has erred in releasing the respondents – accused on probation without awarding sufficient compensation to the complainant.

The occurrence relates to the year 2007. The accused – respondents faced trial for about seven years. They are not previous convicts. For the last about 15 years, sword of punishment has been hanging over them. In the circumstances, sending them behind bars again after 15 years of the incident, would not be in the interest of justice.

However, at the same time, the petitioner – complainant, who has suffered financially due to the injuries caused by the respondents, deserves to be suitably compensated. Considering the facts and circumstances, ends of justice would meet, if the compensation of

Rs.1,70,000/-. Ordered accordingly.

The respondents are directed to pay an additional amount of Rs.40,000/- each as compensation. The compensation be deposited with the Sub- Divisional Judicial Magistrate /Duty Magistrate, Phillaur within two months from today, who shall release the same to the petitioner – complainant on proper identification and verification.

With the above modification in the order of sentence dated 22.04.2015, this petition stands disposed of.

April 25, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No