

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

315

CRR-2017-2007

Date of decision: 25.01.2023

Indraj and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karan Pathak, Advocate for
Mr. Gautam Dutt, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners have filed the instant revision petition to impugn the order dated 08.10.2007 passed by learned Additional Sessions Judge, Rewari whereby the appeal preferred by them against the judgment of conviction dated 11.05.2005 and order of sentence dated 12.05.2005 passed by learned Judicial Magistrate 1st Class, Rewari, was dismissed.

Vide judgment judgment of conviction dated 11.05.2005 and order of sentence dated 12.05.2005, learned Judicial Magistrate 1st Class, Rewari, convicted and sentenced the petitioners as under:-

Offence(s)	Period of sentence(s)	Fine imposed	Period of sentence in default of payment of fine
326/34 of the IPC	RI for 03 years	Rs.3,000/- each	RI for 06 months
325/34 of the IPC	RI for 02 years	Rs.1,500/- each	RI for 03 months
323/34 of the IPC	-	Rs.500/- each	RI for 01 month

All the sentences were ordered to be run concurrently.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the impugned judgment of conviction and order of sentence.

Learned counsel for the petitioners has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel submits that the occurrence in question pertains to the year 1994 and the petitioners have thus, suffered the agony of trial for more than 28 years. Learned counsel further submits that the petitioners have been leading the life of a disciplined and peace loving citizen ever since then and are not involved in any other criminal case. Still further, in the last preceding years they have been fastened with many responsibilities. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioners by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioners behind bars.

The custody certificates, which are on record, do not reflect the involvement of the petitioners in any other criminal case.

Heard learned counsel for the parties and perused the relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioners, this Court is of the considered view that ends of justice would be met, if

while maintaining the conviction of the petitioners their substantive sentence of 03 years is reduced to the period of sentence already undergone by them in the present case.

However, fine imposed on the petitioners is enhanced from Rs.3,000/- to Rs.10,000/- each under Section 326/34 of the IPC, Rs.1,500/- to Rs.4,000/- each under Section 325/34 of the IPC and Rs.500/- to Rs.1,000/- each under Section 323/34 of the IPC. It is made clear that in case of non-deposit of fine with the Trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioners and they will be required to undergo the remaining part of the sentence awarded to them. On deposit of fine as directed above, the enhanced amount of fine shall be disbursed to the injured/complainants.

With the aforesaid modifications, the instant revision petition is disposed of.

25.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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