

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

CRR No.766 of 2008 (O&M)
Date of decision: 25th January, 2023

Hari Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.S. Grewal and Ms. Raina Thakur, Advocates
for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioner has filed the instant revision petition to impugn the order dated 07.04.2008 passed by learned Addl. Sessions Judge, Ludhiana whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 29.08.2005 passed by learned Judicial Magistrate 1st Class, Ludhiana, was dismissed.

Vide judgment dated 29.08.2005, learned Judicial Magistrate 1st Class, Ludhiana, convicted and sentenced the petitioner to undergo rigorous imprisonment for one year under Section 325 IPC and further to undergo rigorous imprisonment for six months under Section 323 IPC. Both the sentences were ordered to run concurrently.

The case as set up by the prosecution may be noticed as thus:

On 27.06.2002, around 3.00 p.m. when it was raining, petitioner came with a Sabbal (iron rod) to drain out water gathered outside his house and started digging in front of the house of his neighbour, Surjit Kaur, the complainant. When she asked him not to do so, he started arguing and gave a Sabbal blow on her hip as a result of which she fell down and her hip bone was fractured. The complainant raised alarm, upon which the accused fled away from the spot along with the Sabbal. The complainant was then rushed to hospital for treatment, where her statement was recorded on the basis of which the FIR in question was registered.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments.

Learned counsel for the petitioner 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 2002 and the petitioner has thus, suffered the agony of protracted trial for the last more than 20 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and is not involved in any other criminal case. 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 petitioner by the Trial Court be reduced to the period already

undergone as no useful purpose would be served by sending the petitioner behind bars.

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 petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner his substantive sentence of one year is reduced to the sentence already undergone by him in the present case, more so when as apprised by the learned State counsel the petitioner is not involved in any other criminal case.

He shall also be liable to pay fine of ₹ 2500/- under Section 325 IPC which shall be deposited by the petitioner within three months before the trial/successor Court failing which benefit of reduction of sentence will not accrue to the petitioner and he shall have to undergo remaining part of the sentence.

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

(MANJARI NEHRU KAUL)
JUDGE

January 25, 2023
rps

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