

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2853 of 2009
Date of decision: 27th January, 2023

Rajender & others
... Petitioners

Versus

State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mani Ram Verma, Advocate for the petitioners.
Mr. Surender Singh, Asst. Advocate General, Haryana
for the respondent/State.
None for complainant.

MANJARI NEHRU KAUL, J.

The petitioners have filed the instant revision petition to impugn the order dated 22.10.2009 passed by learned Addl. Sessions Judge-III, Bhiwani whereby the appeal preferred by them against the judgment of conviction and order of sentence dated 03.09.2008 passed by learned Sub Divisional Judicial Magistrate, Charkhi Dadri, was dismissed.

Vide judgment dated 03.09.2008, learned Sub Divisional Judicial Magistrate, Charkhi Dadri, convicted and sentenced the petitioners as under:

Offence	Sentence	Fine	Sentence in default of payment of fine
u/s 323 r/w 34 IPC	Imprisonment for 3 months	--	--

u/s 324 r/w 34 IPC	RI for 9 months	₹ 200/- each	SI for 1 month
u/s 325 r/w 34 IPC	RI for 1 year	₹ 500/- each	SI for 1 month

All the sentences were ordered to run concurrently.

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

The FIR in question was registered on the basis of statement of complainant Mewa Singh, who alleged that on 26.10.1998 around 10.00 p.m. when he was sitting in front of his house, all the accused came armed with axe, jelly and lathis on their tractor and gave beatings to the complainant. When his family members including his sons Vinay Kumar, Vedpal and daughter Sunita rushed to his rescue, a number of other co-accused armed with lethal weapons came on another tractor and started beating the complainant party, as a result of which they were severely injured. However, when the brother of the complainant, Prakash, reached the place of occurrence, the accused fled away along with their respective weapons. Thereafter, Prakash got the injured admitted to the civil hospital, where they were medico legally examined.

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 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 quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 1998 and the petitioners have thus, suffered agony of protracted trial for the last more than 25 years. Learned counsel further submits that the petitioners have been leading the life of disciplined and peace loving citizens ever since then and are 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 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 have been filed by the State counsel today in Court, 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 one year is reduced to the sentence already undergone by them in the present case.

However, fine imposed on all the three petitioners is enhanced from ₹ 500/- to ₹ 25,000/- under Section 325 IPC read with Section 34 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, the enhanced amount of fine shall be disbursed to the injured Mewa Singh, Sunita, Ved Pal and Vinay Kumar on proper identification.

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

(MANJARI NEHRU KAUL)
JUDGE

January 27, 2023
rps

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