

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

CRR No.1218 of 2022 (O&M)
Date of decision: 17th January, 2023

Mani Ram & another

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.S. Jaswal, Advocate for the petitioners.

Mr. Surender Singh, Asst. Advocate General, Haryana
for the respondent No.1/State.

Mr. Sant Lal Barwala, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J.

CRM No.21118 of 2022

The instant application has been filed for condonation of delay of 86 days in filing the revision petition.

In the light of averments made in the application and in the interest of justice, the same is allowed and delay in filing the revision is condoned.

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Petitioners are impugning the judgment dated 03.12.2021 vide which the amount of compensation awarded by the learned trial Court vide judgment and order of sentence dated 13.07.2017 was enhanced to ₹ 1.00 lakh by directing both the petitioners to pay ₹50,000/- each to the victim i.e. the private respondent.

Learned counsel for the petitioners submits that the trial Court, after taking into consideration the nature of injuries and other relevant factors, had directed the petitioners to pay an amount of ₹ 5,000/- each as compensation to the respondent, however, learned lower appellate Court fell into error and, without appreciating the facts and circumstances as well as the other material on record in their right perspective, enhanced the amount of compensation ten times to the amount of compensation awarded by the trial Court. Learned counsel further submits that the amount of compensation directed to be paid by the petitioners to the respondent is on the higher side and beyond the financial capacity of the petitioners. He submits that a lenient view be taken by scaling down the compensation which has been ordered to be paid to the respondent.

On the other hand, learned counsel for the respondent, while controverting the submissions made by learned counsel for the petitioners, has contended that in view of the serious nature of the injuries received by the respondent, coupled with the mode and manner in which those injuries were inflicted, the amount of compensation awarded by the learned appellate Court was just and adequate which did not warrant any interference. He submits that during his hospitalization the respondent had to spend a huge amount of money towards the medical treatment.

I have heard learned counsel for the parties and perused the relevant material on record.

As per the case set up by the prosecution, the respondent made a complaint to the Deputy Commissioner, Hisar against the petitioner No.1 namely Mani Ram who was a Ration Depot holder that he had been misappropriating the ration of the beneficiaries. Due to the aforementioned reason, the petitioners were nursing a grudge against the respondent. On 22.09.2013 at around 12:00 noon, the respondent was waylaid by the petitioners and inflicted various injuries on his person with sticks which they were carrying. As per the MLR Ex.PW1/C, the following injuries were received by the injured at the hands of the petitioners:-

1. Swelling and Redness around left eye, advised eye surgeon opinion.
2. Swelling on nose present, redness, bleeding per nose and ENT surgeon opinion was advised.
3. Swelling on right side of chest, severe pain on touch at right side, Redness present. Surgeon opinion was advised.
4. Swelling on both lips.
5. Abrasion on right wrist of size 2 cm x 1 cm.
6. Reddish bruise on right side of upper back. Surgeon opinion was advised.

Furthermore, PW-7 Dr. Tarun Sapra categorically deposed that the respondent remained hospitalized for as many as 11 days. PW-7 also deposed that the respondent suffered depressed comminuted rib fractures involving the posterior end of right 3rd and anterior ends of right 4-7th ribs and contusion was also detected in right upper lobe.

It is, thus abundantly clear that in the occurrence in question, the respondent suffered various grievous injuries on being attacked by the petitioners, as a result of which he remained hospitalized and would have spent a substantial amount of money for his treatment. Further, since it was a broad daylight preplanned attack, which was carried out blatantly by the petitioners, the lower appellate Court was justified in enhancing the amount of compensation.

It needs to be reiterated that victims of crime must be awarded just and adequate compensation which is fair and equitable keeping in view the facts and circumstances of each individual case.

Accordingly, the present petition being devoid of any merit stands dismissed.

Since the revision petition has been finally decided in the above terms, the applications, if any, pending in the case in hand also stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2023
rps

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