

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

CRR-3059-2016

Date of Decision: 10.01.2023

DEVI RAM

... PETITIONER

V/S

SHISH PAL & OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K.Sharma, Advocate for the petitioner.
Mr. Adarsh Jain, Advocate for the respondents.

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VIVEK PURI, J. (ORAL)

The petitioner has assailed the judgment dated 02.08.2016 passed by the Court of learned Sessions Judge, Palwal alleging that the learned appellate Court has awarded inadequate sentence upon the respondents.

Briefly, the FIR has been registered on the allegations that on 15.03.2013, the respondent No.1 was armed with an iron rod and respondent No.2 was armed with a stick. They inflicted injuries on the person of the petitioner. Respondent No.1 inflicted iron rod blow on the left hand of the petitioner, whereas respondent No.2 inflicted stick blow on his right hand.

The respondents faced trial in the Court of learned Judicial Magistrate First Class, Hathin and they were acquitted in terms of the judgment dated 22.12.2015.

The petitioner had preferred an appeal against the judgment of acquittal. The appeal was accepted in terms of the judgment dated 02.08.2016. The respondents were held guilty and convicted under Sections 323, 325 and 506 read with Section 34 IPC. The learned appellate Court

released the respondents on probation of good conduct on entering into probation bonds in the sum of Rs. 30,000/- with one surety in the like amount each. They were also directed to pay compensation amount to the tune of Rs. 10,000/- each in the learned trial Court.

Aggrieved by the aforesaid judgment passed by the learned appellate Court, the petitioner has preferred the present revision alleging that inadequate sentence has been imposed upon the respondents and inadequate compensation has been awarded.

The perusal of the record indicates that respondent No.2 is the brother and respondent No.1 is the nephew of the petitioner. Both the parties are close relatives of each other. The occurrence had taken place as back as on 15.03.2013. The petitioner had suffered fracture and injuries are attributed to respondent nos. 1 and 2. Respondent No.2 is stated to be aged about 70 years and belonging to weak economic strata.

During the course of hearing, learned counsels for the petitioner and respondent Nos. 1 and 2 are *ad idem* and have very fairly stated that on account of close relationship, the petitioner does not dispute the order of the learned appellate Court as far as directing the respondent Nos. 1 and 2 to be released on probation of good conduct has been passed. Furthermore, it has been fairly stated by both the learned counsels that keeping in view the fact that the petitioner had suffered fracture, the amount of compensation may be enhanced to the extent of Rs. 25,000/- each to be paid by respondent Nos. 1 and 2 to the petitioner.

A sum of Rs. 10,000/- each has already been deposited with respondent Nos. 1 and 2. Besides, they have also undergone the probation period which was for a period of 2 years and there is nothing to indicate that

they were not of good behaviour during that period. Even there are no other criminal antecedents against them.

Keeping in view the submissions, close relationship and other circumstances, it is deemed fit and appropriate to put a quietus to the controversy.

In these set of circumstances, it is directed that respondent Nos. 1 and 2 shall deposit another sum of Rs. 15,000/- each within a period of two months in the trial Court as an additional compensation to be paid to the petitioner. On the deposit of the said amount in the learned trial Court, the same may be disbursed to the petitioner. No other interference is called for in the impugned judgment passed by the appellate Court.

With these observations, the present revision petition is disposed of.

10.01.2023

Janki

**(VIVEK PURI)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*