

(223)

2023:PHHC:074440

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1317 of 2018

Date of Decision: May 22, 2023

Malkiat Singh and others ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Paramjit Singh Brar, Advocate
for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Rabinder Partap, Advocate for
Mr. P.S. Jammu, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

The three petitioners along with two others, namely, Jagdish and Rajesh, were tried by the Court of learned Additional Chief Judicial Magistrate, Sirsa in the case arising out of FIR No.65 dated 27.07.2005 registered at Police Station Baragudha.

2. Vide judgment dated 23.01.2013, though Rajesh and Jagdish were acquitted but the three petitioners were convicted under Section 323 read with Section 34 IPC. Vide a separate order, they were sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- each. The three petitioners challenged the afore-said conviction before the Appellate Court. On the other hand, complainant of the case, Ved Parkash filed separate appeal. Both the appeals were disposed of by learned Additional Sessions Judge, Sirsa vide judgment dated 22.03.2018. The appeal of the three petitioners was dismissed; whereas appeal of the complainant was allowed to the extent that the

petitioners were also held to be guilty under Section 324/34 IPC and 323/34 IPC. Vide order dated 22.03.2018, they were sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹1,000/- each for committing the said offence under Section 324/34 IPC. The sentence qua Section 323/34 IPC was directed to be maintained though the substantive sentences were directed to run concurrently.

3. Against the afore-said judgment of the Appellate Court, this revision has been filed.

4. Before this Court, learned counsel for the petitioners has made a statement withdrawing the appeal qua conviction. The limited prayer made by learned counsel for the petitioners is against the order of sentence with the submission that the petitioners may be sentenced for the period already undergone by them.

5. Though learned State Counsel does not object to the prayer but learned counsel for the complainant has opposed the prayer.

6. In view of the statement made by learned counsel for the petitioners, judgment dated 22.03.2018 of learned Appellate Court qua conviction of the petitioner under Section 323/34 and 324/34 IPC is maintained. However, as far as order of sentence is concerned, it is revealed that occurrence had taken place wayback on 26.07.2005. Only simple injuries were caused on the person of complainant Ved Parkash. The three petitioners have already undergone sentence of more than two months. Their remaining sentence had been suspended by this Court on 27.04.2018.

7. Having regard to the nature of injuries sustained by the complainant and the fact that incident had taken place almost 18 years

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back, this Court is of the view that interest of justice will be met if the
petitioners are sentenced to the imprisonment for the period already
undregone by them.

- 8. Ordered accordingly.
- 9. Impugned order of sentence qua all the three petitioners, is
hereby modified. They are sentenced to the imprisonment for the period
already undergone by them.
- 10. Disposed of.

May 22, 2023	(DEEPAK GUPTA)
renu	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No