

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-765-2018(O&M)

Date of Decision:-16.11.2023

Jai Karan @ Jai Kishan.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Arun Sharma, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The instant revision petition has been preferred by the petitioner-accused against the judgment dated 15.02.2018 passed by the Additional Sessions Judge, Yamuna Nagar whereby the judgment of conviction and order of sentence dated 16.12.2013 and 20.12.2013 passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari has been upheld.

3. The present FIR came to be registered at the instance of complainant Randhir Singh who stated that his father Gulab Singh had been assaulted by Jai Karan @ Jai Kishan (petitioner), Deep Chand, Harish Chand, Ram Kumar or Raj Kumar father in law of Jai Karan and two other unknown persons. Based on the allegations levelled the FIR came to be registered. The report under Section 173(2) Cr.PC was presented and pursuant to the conclusion of the Trial, the petitioner came to be convicted

and sentenced by the court of Judicial Magistrate Ist Class, Yamuna Nagar at

Jagadhari vide judgment of conviction dated 16.12.2013 and order of sentence dated 20.12.2013 as under:-

Sr.No.	Offence under Sections	Imprisonment	Fine	In default of fine imprisonment
1.	Section 324 IPC	SI for a period of One Year	Rs.500/-	SI for One Month
2.	Section 506 IPC	SI for a period of 01 Year	Rs.500/-	SI for 15 Days

Both the aforesaid sentences were ordered to run concurrently.

5. Thereafter the petitioner-accused filed an appeal bearing Criminal Case No. 611-1 dated 15.06.2009/29.11.2012. The said appeal came to be dismissed by the Court of Additional Sessions Judge, Yamuna Nagar vide Judgment dated 16.12.2013.

6. The aforementioned judgments are under challenge in the present revision petition.

7. The Counsel for the petitioner contends that the material witnesses PW-1 Randhir Singh (complainant) and injured PW-2 Gulab Singh are discrepant in material particulars. There are number of contradictions between their statements. Whereas the complainant had named a number of accused, injured Gulab Singh only named the petitioner as the assailant. There was a two day delay in lodging of the FIR. The medical evidence was contrary to the ocular count. Be that as it may, if this Court were to come to the conclusion that the offence was established beyond reasonable doubt, then the sentence imposed upon the petitioner be reduced to the period already undergone by him as the occurrence was of the year 2009 and as many as 14 years had passed ever since then.

8. The Counsel for the State has placed on record the custody certificate of the petitioner dated 15.11.2023 as per which he has undergone

a custody period of 04 months and 27 days. He contends that the offence has been established beyond reasonable doubt. The medical evidence is totally in consonance with ocular account. There were no significant contradictions between the statements of the witnesses and, therefore, the present petition was liable to be dismissed.

9. None has put in appearance on behalf of the respondent nos.2 & 3 despite service.
10. I have heard learned Counsel for the parties.
11. A perusal of the file would reveal that the depositions of PW-1 Randhir and PW-2 Gulab Singh are consistent with each other. The medical evidence is completely in consonance with the ocular account. There is no significant delay in the registration of the FIR as has been sought to be canvassed by the counsel for the petitioner.
12. In view of the above discussion, I find no grounds to interfere with the well reasoned judgments of conviction and order of sentence recorded by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari which has been upheld by Additional Sessions Judge, Yamuna Nagar. Resultantly, the revision petition stands dismissed.
13. As regards the imposition of sentence, it may be pointed out that the occurrence pertains to the year 2009. Pursuant thereto, the petitioner was convicted and his conviction was upheld. Much time has elapsed since then and there is no other case registered against the petitioner except the present one. Therefore, at this stage, no useful purpose would be served by sending the petitioner back into custody. Hence his sentence stands modified as under:-

<u>Sr. No.</u>	<u>Offence under Section</u>	<u>Imprisonment</u>	<u>Fine enhanced to</u>
1.	Section 324 IPC	SI for a period 04 months and 27	Rs.15,000/-

		days (actual period of custody undergone by the petitioner.	
2.	Section 506 IPC	SI for a period 04 months and 27 days (actual period of custody undergone by the petitioner.	Rs. 15,000/-

Both the aforesaid sentences shall run concurrently. Out of the amount of Rs.30,000/- imposed as fine, an amount of Rs.25,000/- shall be disbursed to the injured Gulab Singh.

13. The revision petition stand disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

November 16, 2023
Vinay

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