

CRR-2141-2009 (O & M)

2024:PHHC:148498



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(201)

CRR-2141-2009 (O&M)
Date of Decision: 13.11.2024

Jai Bhagwan and ors. ... Petitioners

Versus

State of Haryana ... Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Mehak Sawhney, Advocate, for the petitioners.

Mr. Ashok Singh Chaudhary, Addl.A.G., Haryana.

Mr. Bahadur Singh, Advocate and
Ms. Rajni, Advocate,
for the complainant-Kailash Chand.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 11.08.2009 passed by the Additional Sessions Judge, (Fast Track Court), Bhiwani Jind whereby the appeal filed against the judgment of conviction and order of sentence dated 20.04.2006 passed by the Additional Chief Judicial Magistrate, Bhiwani has been dismissed.

2. At the very outset, the learned counsel for the parties have stated that petitioner No.1-Jai Bhagwan son of Mukhtiar Singh, petitioner No.4-Rakesh son



of Mukhtiar Singh and petitioner No.5-Shamsher son of Dalip have passed away. The proceedings stands abated qua the aforesaid petitioners.

3. The FIR in the present case came to be registered on 14.07.1998. The judgment of conviction was passed on 20.04.2006. This revision petition was filed on 18.08.2009 and has come up for final hearing now i.e. after a period of 26 years having elapsed from the date of the registration of the FIR.
4. The brief facts of the case are that an FIR No. 289 dated 14.07.1998 under Sections 148, 323, 452 and 506 read with Section 149 IPC registered at Police Station Sadar Bhiwani was registered against five persons at the instance of complainant-Kailash Chand with the allegations that the accused persons had assaulted the complainant party. On culmination of the investigation, the report under Section 173 Cr.P.C. was presented.
5. Based on the evidence led, the accused came to be convicted and sentenced by the Court of the Additional Chief Judicial Magistrate, Bhiwani vide judgment and order of sentence dated 20.04.2006 as under:-

Offence Sections	under	Sentence RI/SI	Fine	RI/SI in default of payment of fine
Section 148 IPC		RI (06 months)	Rs.500/- each	Imprisonment (10 days)
Section 323 read with Section 149 IPC		RI (06 months)	-	-
Section 325 read with Section 149 IPC		RI (01 year)	Rs.1000/- each	Imprisonment (10 days)
Section 452 read		RI (01 year)	Rs.500/- each	Imprisonment (10



with Section 149 IPC			days)
Section 506 read with Section 149 IPC	RI (06 months)	Rs.500/- each	Imprisonment (10 days)

All the sentences were ordered to run concurrently.

6. The accused-petitioners preferred an appeal which came to be dismissed by the Court of the Additional Sessions Judge, Fast Track Court, Bhiwani vide judgment dated 11.08.2009.
7. The aforementioned judgments are under challenge in the present petition.
8. During the pendency of the instant revision petition, the sentence of the petitioners was suspended. The matter was adjourned from time to time. On 21.05.2019, the following order was passed:-

“Learned counsel for the petitioners states that she give up the challenge laid to the conviction part in the impugned judgment and confines her prayer only to concession of modification of sentence part. It is contended that some of the petitioners are senior citizens and one of them is at advanced age and ends of justice would be met if the victims are suitably compensated.

Let the complainant, namely, Kailash Chand be served for 29.08.2019.

Dasti only.

Let a sum of Rs.15,000/- be paid to him (Kailash Chand) by way of a demand draft towards litigation charges”.



9. The learned counsel for the petitioners No.2 and 3 contends that the occurrence took place on 14.07.1998. The petitioners were convicted by the Court of the Additional Chief Judicial Magistrate, Bhiwani and thereafter, the said conviction was upheld by the Court of Additional Sessions Judge (Fast Track Court), Bhiwani vide judgment dated 11.08.2009. The instant revision petition was filed in the year 2009 and has now come up for hearing. In view of the fact that the petitioners No.2 and 3 were of the age of 66 and 71 years respectively and had otherwise undergone almost 02 months out of their substantive sentence of 01 year and were ready and willing to compensate the complainant over and above, Rs.15,000/- already paid, their sentence be reduced to the period already undergone by them.

10. The learned counsel for the State has filed separate custody certificates dated 10.11.2024 of the petitioners which are taken on record. While referring to the same, he alongwith the learned counsel for the complainant contend that the serious nature of the allegations levelled against the petitioners No.2 and 3 did not entitle them to any sympathy and while upholding their conviction, their sentence ought not to be reduced.

11. I have heard the learned counsel for the parties.

12. Admittedly, the occurrence took place on 14.07.1998. Thereafter, the petitioners were convicted vide judgment dated 20.04.2006 passed by the Additional Chief Judicial Magistrate, Bhiwani and their appeal was dismissed on 11.08.2009 by the Court of the Additional Sessions Judge (Fast Track Court), Bhiwani. The instant revision petition was filed in the year 2009 and the



petitioners No.2 and 3 were granted the concession of suspension of sentence. They are of the age of 66 years and 71 years respectively. They have already undergone approximately 02 months each of their substantive sentence of 01 year. At this stage, no useful purpose would be served by sending the petitioners No.2 and 3 back into the custody. Therefore, the present revision petition stands dismissed.

14. As regards the imposition of sentence, it may be pointed out that the occurrence took place on 14.07.1998. The instant revision petition was filed in the year 2009 and the petitioners No.2 and 3 were granted the concession of suspension of sentence. They are of the age of 66 years and 71 years respectively. They have already undergone approximately 02 months each of their substantive sentence of 01 year. Therefore, while upholding their conviction, I deem it appropriate to modify the sentence of the said petitioners as under:-

Offence Sections	underSentence RI/SI	Fine	RI/SI in default of payment of fine
Section 148 IPC	RI (06 months)	Rs.500/- each	Imprisonment (10 days)
Section 323 read with Section 149 IPC	RI (06 months)	-	-
Section 325 read with Section 149 IPC	RI (01 year)	Rs.25,000/- each	Rigorous imprisonment 01 year each
Section 452 read with Section 149 IPC	RI (01 year)	Rs.500/- each	Imprisonment (10 days)
Section 506 read with Section 149 IPC	RI (06 months)	Rs.500/- each	Imprisonment (10 days)

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15. Out of the fine imposed, an amount of Rs.25,000/- each be paid to the complainant/Kailash Chand and injured-Krishan Chand as compensation.

(JASJIT SINGH BEDI)
JUDGE

November 13, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No