

CRR-2481-2009 (O & M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(218)

CRR-2481-2009 (O&M)
Date of Decision: 12.12.2024

Sekhar and anr. ... Petitioners
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Ramandeep Kaur, Amicus Curiae, for the petitioners.

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

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 19.08.2009 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Rewari whereby the appeal filed against the judgment of conviction and order of sentence dated 22/23.01.2007 passed by the Sub Divisional Judicial Magistrate, Kosli, has been dismissed.

2. At the very outset, the learned counsel for the parties have stated that petitioner No.1-Sekhar has passed away. The proceedings stand abated qua the aforesaid petitioner No.1.

3. The FIR in the present case came to be registered on 09.07.1998. The petitioners were convicted vide judgment of conviction and order of sentence dated 22/23.01.2007. Their appeal stood dismissed vide judgment dated



19.08.2009. This revision petition was filed on 22.08.2009 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 one Om Parkash-injured got registered the FIR in question dated 09.07.1998 with the allegations that Sekhar and Vikram sons of Kanhi Ram had assaulted him causing him various injuries. 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 Sub Divisional Judicial Magistrate, Kosli vide judgment and order of sentence dated 22/23.01.2007 as under:-

Convicts No.1 and 2/petitioners, namely, Sekhar and Vikram

Offence under Sections	Sentence RI/SI	Fine	RI/SI in default of payment of fine
Section 323 IPC	RI 03 months	--	--
Section 325 IPC	RI (1½ years)	Rs.500/- each	RI (01 months)

All the sentences were ordered to run concurrently.

6. The convicted accused preferred an appeal which came to be dismissed by the Court of the Additional Sessions Judge (Adhoc), Fast Track Court, Rewari vide judgment dated 19.08.2009.

7. The petitioners, thereafter, filed the instant revision petition and their sentence stood suspended vide order dated 10.11.2009.



8. The learned Amicus Curiae for the petitioner No.2/Vikram contend that she does do not wish to challenge his conviction but keeping in view the fact that the FIR came to be registered on 09.07.1998 and the case has come up for final hearing now after a gap of 26 years, he be granted the benefit of probation on such conditions which this Court may deem fit.

9. The learned counsel for the State, on the other hand, has filed a short reply by way of affidavit of Vidyanand, HPS, Deputy Superintendent of Police, Kosli, District Rewari dated 11.12.2024 alongwith custody certificate of Vikram/petitioner No.2 dated 06.12.2024 which are taken on record. As per the said custody certificate, the petitioner No.2, namely, Vikram has undergone almost 02 months and 25 days out of his substantive sentence of one and a half years. He contends that the nature of the allegations did not entitle the petitioner No.2 to the concession as prayed for and as the offence stood established beyond a reasonable doubt, therefore, the present petition was liable to be dismissed.

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

11. The prosecution witnesses have supported the case of the prosecution in material particulars. The medical evidence is totally in consonance with the ocular account. As such, the judgments of conviction are not required to be interfered with and therefore, the present petition stands dismissed.

12. As regards the imposition of sentence, admittedly, the FIR was registered on 09.07.1998 and as many as 26 years have passed ever since then. The petitioner No.2 is a first-time offender. Therefore, subject to the payment of

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Rs.25,000/- to the injured, namely, Om Parkash by the petitioner No.2, namely, Vikram son of Kanhi Ram, he is ordered to be released on probation on such conditions to be imposed by the Trial Court.

14. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

December 12, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No