

2024.PHHC.150427



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRR-1900-2010 (O&M)
DECIDED ON:18.11.2024

SUKHBIR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: - Mr. Sanjiv Sheoran, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Ms. Manisha Rani, Advocate for
Mr. R.N. Lohan, Advocate
for respondents No.2 & 3.

SANDEEP MOUDGIL, J (ORAL)

1. The present revision petition has been preferred against the impugned judgment dated 02.06.2010 passed by Sessions Judge, Jind dismissing the appeal filed by the petitioner against the judgment of conviction dated 13.06.2009 and the order of sentence dated 09.07.2009 passed by Additional Chief Judicial Magistrate, Jind in FIR No.265 dated 07.10.2003 registered under Sections 324, 325, 326 and 506 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Sadar, Jind.

2. The petitioner was sentenced as under:-

Under Section Sentence

326 IPC To undergo RI for a period of three years and to pay a fine

of Rs.2000/-. In default of payment of fine, the convict shall be liable to undergo further simple imprisonment for a period of two months.

325 IPC To undergo RI for a period of two years and to pay a fine of Rs.1000/-. In default of payment of fine, the convict shall be liable to undergo further simple imprisonment for a period of one month.

506 IPC To undergo RI for a period of one year and to pay a fine of Rs.500/-. In default of payment of fine, the convict shall be liable to undergo further simple imprisonment for a period of one month.

2. Factual matrix of the case, are that Rajesh Kumar-complainant and the petitioner accused, who are real brothers, got into quarrel on 04.10.2003, over parking the complainant's tractor in front of the fields of the petitioner-accused. Their father, Dalip Singh, intervened and separated them after seeing them fight. However, the situation escalated when the petitioner accused allegedly retrieved acid and a stick from a near by kotha, threw acid at Rajesh-complainant, which resulted into severe burn injuries on the person of the complainant. The petitioner accused also hit with a stick on the head and back of his father Dalip. On these allegations the present FIR stands registered.

3. On finding a *prima facie* case for the commission of offences under Sections 324, 325, 326 and 506 of IPC, charges were framed accordingly, to which he pleaded not guilty and claimed trial and was ultimately convicted.

3. Learned counsel for the petitioner *inter alia* submits that petitioner is 48 years young man and does not have any criminal antecedents and that he has been facing agony of protracted trial for the last

almost two decades. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer to modification of the order of quantum of sentence to the period undergone by the petitioner.

4. Learned counsel for the respondent-State has filed the custody certificate of the petitioner to say that the petitioner has undergone the actual custody for a period of 1 year 1 month and 7 days of custody as per the custody certificate placed on record before this Court today.

5. Learned counsel appearing for respondents No.2 and 3 has vehemently opposed the prayer made by learned counsel for the petitioner stating that the petitioner has caused serious injuries to the complainant by throwing acid on him, as a result of which, the vision of his right eye has been lost permanently and has also caused fracture on the head of his father. As such, he does not deserve any leniency from this Court.

6. Heard.

7. Here it would be pertinent to mention that the petitioner did not challenge his conviction on merits and only confined his relief quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgments as far as the conviction of the petitioner is concerned. As such, the conviction of the appellant is upheld.

8. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the petitioner has

already faced the agony of protracted trial for more than two decades, he is a sole bread earner of his family. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Moreover, the accused and complainant are real brothers.

9. Taking into consideration the above narrated discussion as well as the fact that the petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

10. With the aforesaid modification in the quantum of sentence, the present criminal revision petition stands disposed off.

11. The petitioner is ordered to be released forthwith in case he is not required in any other case, subject to payment of fine, if not paid.

12. Pending criminal misc. application, if any shall also disposed off.

18.11.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No