



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

219

CRR-2030-2019

Date of Decision.:17.05.2024

Sunny @ Tinda

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Bhardi, Advocate for
Mr. Pradeep Virk, Advocate for
the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

In a criminal case arising out of FIR No.502 dated 24.08.2015 registered at Police Station City, Rohtak, accused Sunny @ Tinda (present petitioner) was convicted by the Court of learned Judicial Magistrate 1st Class, Rohtak vide judgment dated 20.03.2019 under Sections 323 & 324 of the IPC for causing injuries to Ashish and Sahil in an occurrence which took place on 24.08.2015 at about 09:00 p.m. Vide a separate order dated 26.03.2019, petitioner was sentenced to undergo simple imprisonment for a period of 06 months for committing the offence under Section 323 IPC; and simple imprisonment for a period of 03 years for committing the offence under Section 324 IPC. Both the sentences were directed to run concurrently. Appeal against the aforesaid judgment of conviction and order

**CRR-2030-2019****-2-**

of sentence, as filed by the petitioner has been dismissed by the Court of Sessions vide judgment dated 24.07.2019.

2. Aggrieved by the above-said concurrent finding of conviction and sentence, petitioner has approached this Court by way of present revision. Vide order dated 25.02.2020, the remaining sentence of the petitioner was directed to be suspended.

3. Today, statement is made by learned counsel for the petitioner so as to withdraw this petition against the impugned judgment of conviction. The limited prayer made by learned counsel for the petitioner is to modify the order of sentence. Learned counsel submits that considering the young age of the petitioner and the fact that occurrence had taken place about 09 years back and that petitioner has already undergone sentence of more than one year, he may be sentenced to imprisonment for the period already undergone by him.

4. Learned State counsel has no serious objection to the above-said request.

5. This Court has gone through the impugned judgment of conviction as passed by the trial Court. Conviction has been recorded on the basis of statements made by both the injured witnesses namely Sahil and Ashish proving injuries caused to them by the petitioner, which are supported by the medical evidence. The said conviction recorded by the Trial Court has been affirmed by the Sessions Court. This Court does not find any illegality in the judgment of conviction recorded by the Courts

**CRR-2030-2019****-3-**

below.

6. In view of the same and also considering the statement made by learned counsel for the petitioner, the present petition against judgment of conviction is hereby dismissed.

7. As far as order of sentence is concerned, it is noticed that occurrence had taken place wayback on 24.08.2015 i.e. more than 08 years back. Only simple injuries were caused on the person of two injured namely Sahil and Ashish. Three injuries were caused on the person of Sahil and two on the person of Ashish. None of the injuries were on any vital part of the body.

8. Apart from above, the custody certificate reveals that petitioner has already undergone total sentence of 01 year 01 month and 07 days which includes the actual sentence of 11 months and 22 days, out of 03 years imposed upon him. No doubt that petitioner is a previous convict in 04 other cases but it is revealed that his convictions have been recorded for the offences like Section 174-A IPC; Section 323/506 IPC, Section 457 IPC and Section 27 of the NDPS Act. Petitioner has already completed the sentences imposed upon him in all those cases. He is also under-trial in remaining cases as well.

9. Having regard to the nature of offence proved against the petitioner in the present case particularly nature of injuries caused to the injured persons which are simple in nature and the fact that occurrence had taken place long back, this Court considers that the period already spent by



CRR-2030-2019

-4-

the petitioner in custody is sufficient to meet the ends of justice.

10. As such, the impugned order of sentence as passed by the Trial Court and affirmed by the Appellate Court, are hereby modified. The petitioner is sentenced to imprisonment for the period already undergone by him.

Pending application(s), if any, also stands disposed of.

(DEEPAK GUPTA)
JUDGE

May 17, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No