



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRR-2188-2019
Date of decision: 06.08.2024

MohitPetitioner

Versus

State of HaryanaRespondent

2. CRR-2582-2019
Date of decision: 06.08.2024

PawanPetitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Lamba, Advocate
for the petitioner in CRR-2188-2019.

Mr. Johan Kumar, Advocate and
Dr. S.K. Bhar, Advocate
for the petitioner in CRR-2582-2019.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. This order shall dispose of abovementioned revision petitions as they arise out of the same FIR and impugned orders.

2. The petitioners are challenging the judgment dated 21.08.2019 passed by learned Additional Sessions Judge, Faridabad, whereby the appeal preferred by them against the judgment of conviction and order of sentence dated 16.12.2016, passed by learned Judicial Magistrate 1st Class, Faridabad in case FIR No.9 dated



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14.01.2011 under Sections 323, 341, 427, 452, 506, 34 of the IPC registered at Police Station Sadar Ballabgarh, Faridabad, vide which the petitioners were convicted and sentenced as follows, was dismissed:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
323 IPC	RI for 06 months	-	-
341 IPC	RI for 06 months	-	-
427 IPC	RI for 06 months	-	-
452 IPC	RI for 01 year	-	-
506 IPC	RI for 06 months	-	-

2A. All the sentences were ordered to be run concurrently.

3. The prosecution's case in brief may be noticed as thus: On 14.01.2011, a complaint was filed by Mahesh (hereinafter referred to as 'the complainant') with the police, reporting a dispute with Dheeraj; the complainant alleged that about six months ago, Dheeraj in an inebriated state, entered his house and indulged in abusive language. Although with the intervention of the Panchayat, the matter was settled between the parties, however, on the night of 13.01.2011, the accused party, armed with sticks and iron rods, entered the house of the complainant, named intimidated, and assaulted him and his family. On a hue and cry raised, neighbours of the complainant were attracted to the spot. On the following morning, around 08:30 A.M, while the complainant was going in his car, the accused party, including the petitioners, cornered them with a tractor loaded with bricks, smashed the windows of the car, and attacked the complainant before fleeing away from the spot. The complainant then filed the FIR in question. On the basis of



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investigation, challan was presented against the petitioners and charges framed. The prosecution in support of its case examined six witnesses. During trial, the petitioners while getting their statements recorded under Section 313 of the Cr.P.C. denied all the allegations and incriminating evidence appearing against them; had claimed innocence and false implication in the case in hand.

4. Learned counsel for the petitioners have at the outset, fairly admitted that in view of the findings of fact recorded by both learned Trial Court as well as the learned Appellate Court, they would not press the present petitions on merit. Instead, they would limit their prayer to the quantum of sentence only. It has been urged that the alleged occurrence relates back to the year 2011 and the petitioners have endured the ordeal of protracted criminal proceedings for nearly 13 years. Furthermore, learned counsel have highlighted that after the alleged occurrence, the petitioners have been leading a disciplined and law abiding life and have not been involved in any other criminal case. Hence, a lenient view be taken and the quantum of sentence awarded by the learned Trial Court be reduced to the period already undergone by the petitioners. It has also been submitted that sentencing the petitioners behind bars at this juncture of their life would serve no useful purpose.

5. Learned counsel for the State has, on instructions, not disputed that after the occurrence in question in the year 2011, the petitioners have maintained good conduct and have not been involved in any other untoward incident or criminal case. Learned counsel for the State has also filed the custody certificates of the petitioners, which are



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taken on record subject to all just exceptions.

6. A perusal of the custody certificates also do not reveal the involvement of the petitioners in any other criminal case.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In view of the fact that the occurrence in question pertains to the year 2011, and as has not been disputed by the learned State counsel, the petitioners have been leading a disciplined life ever since then, this Court does not deem it appropriate to send the petitioners behind bars at this juncture; they have undeniably been also burdened with numerous liabilities in the preceding 13 years.

9. The ends of justice would be, thus, met if while maintaining the conviction of the petitioners, their substantial sentence of one year is reduced to the period already undergone by them subject to compensation of Rs.10,000/- each to be paid to the complainant within next two months. In addition, the petitioners shall also plant 03 indigenous fruit bearing trees and 03 shady trees each within the judicial complex in Faridabad, with the specific area to be identified by the District Legal Services Authority concerned within two months from today; the DLSA would also ensure proper maintenance and upkeep of the trees so planted.

10. However, it is made clear that in case of non-deposit of compensation with the trial/successor Court and non-plantation of trees as directed above, within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioners

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and they will be required to undergo the remaining part of the sentence awarded to them. On deposit of compensation, the enhanced amount of compensation shall be disbursed to the complainant, against proper identification.

11. With the aforesaid modifications, both the revision petitions stand disposed of.

06.08.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE