



\$~60

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 215/2018 & CRL.M.(BAIL) 433/2018**

BADRINATH & ANR.

.....Petitioners

Through: Mr. Vimal Puggal and Mr. Parveen
Pachouri, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.

SI Anuj Mor, PS: Rajouri Garden.

Ms. Rinku, Advocate for the
Complainant.

Mr. Manobal Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

30.07.2024

1. The Petitioners have approached this Court challenging an Order dated 19.02.2018 passed by learned Additional Sessions Judge, Tis Hazari Courts, New Delhi affirming Judgment dated 26.10.2015 and Order on Sentence dated 28.11.2015 passed by the learned Trial Court holding the Petitioners guilty for offences punishable under Section 323, 324, 452, 506(I) & 34 IPC.
2. The Petitioners have been sentenced to undergo simple imprisonment for a period of six months for offences punishable under Section 323 IPC and simple imprisonment for a period of one year for offences punishable under Section 324 IPC.
3. For offences punishable under Section 452 IPC, the Petitioners have



been sentenced to undergo simple imprisonment for a period of three years. For offences punishable under Section 506(I) IPC, the Petitioners have been sentenced to undergo simple imprisonment for a period of six months. The Petitioners have also been directed to deposit a sum of Rs.6,000/- & Rs.3,000/- each as compensation to be paid to the injured Ravi Ghai and Amandeep respectively. In default of payment of compensation, the Petitioners shall further undergo simple imprisonment for a period of 15 days.

4. The facts as is discernible from the records of the case are that the Petitioners herein trespassed into the house of the Complainant/Gurpreet Singh armed with weapons and inflicted injuries on the Complainant/Gurpreet Singh, his brother Amandeep, his neighbour Ravi Ghai and his aunt Prakash Kaur. Upon investigation, chargesheet was filed and charges for offences under Section 323, 324, 452, 506 & 34 IPC have been framed against the Petitioners. The Petitioners pleaded not guilty and claimed trial.

5. Nine witnesses were examined by the prosecution. The statements of the accused/Petitioners herein were recorded under Section 313 CrPC wherein the entire incriminating material against the Petitioners was put to them which was denied by the accused/Petitioners herein to plead their innocence. After trial, the Trial Court held that the Petitioners are guilty for offences under Section 323, 324, 452, 506(I) & 34 IPC.

6. Heard learned Counsel for the parties and perused the material on record.

7. The Appellate Court has upheld the order passed by the learned Trial Court.



8. The MLC of the injured Prakash Kaur indicates that she complained of pain over the base of thumb but there was no tenderness or swelling. Similarly, the injuries inflicted over the other injured persons are not serious in nature.

9. This Court has gone through the records of the case and the conclusion arrived at by the Trial Court and the First Appellate Court does not require any interference. However, the nature of injuries on the Complainant and other injured person are not serious in nature.

10. The nominal roll indicates that accused/Badrinath has already undergone about two months and 17 days as on 05.05.2018 and accused/Shankar has already undergone 9 months and 20 days as on 05.05.2018.

11. It is stated by the learned Counsel for the Petitioners and the learned Counsel for the Complainant that since the parties are neighbours and they knew each other, they have entered into a settlement.

12. Considering the nature of injuries, this Court is inclined to uphold the conviction of the Petitioner but reduce the sentence to the period already undergone, subject to the Petitioners depositing a sum of Rs.25,000/- each with the *Armed Forces Battle Casualties Welfare Fund* within two weeks from today. Let the proof of payment be filed before the Registry of this Court within four weeks from today.

13. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 30, 2024

hsk