

CRR-2201-2008 (O & M)

2025:PHHC:013114



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(216-2)

CRR-2201-2008 (O&M)
Date of Decision: 29.01.2025

Chandi Ram and anr.

... .Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Satish Saini, Advocate
for the petitioners.

Mr. Viney Phogat, DAG, Haryana.
for respondent.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 07.10.2008 passed by the Additional Sessions Judge, Fatehabad whereby the appeal filed against the judgment of conviction and order of sentence dated 14/16.02.2005 passed by the Judicial Magistrate Ist Class, Tohana, has been dismissed.

2. The FIR in the present came to be registered on 12.02.1992. The judgment of conviction and order of sentence was passed on 14/16.02.2005 by the Judicial Magistrate Ist Class, Tohana. The Appeal filed against the judgment of conviction and order of sentence was dismissed on 07.10.2008 by the Additional Sessions Judge, Fatehabad. The



instant revision petition was filed on 22.10.2008 and has come up for final hearing now i.e. after a period of 32 years from the date of registration of the FIR.

3. The brief facts of the case are that at the instance of one Jagga Ram son of Ronak Ram, the present FIR No.41 dated 12.02.1992 under Sections 323, 325, 148 and 149 IPC, Police Station Tohana, came to be registered against six persons, namely, Mohan Lal, Chandi Ram, Dhuliya Ram, Jai Singh, Pawan @ Bhola and Makhan.

After conclusion of the investigation, the report under Section 173 (2) Cr.P.C. was submitted and on conclusion of the Trial, Chandi Ram, Jai Singh, Pawan @ Bhola and Makhan were found guilty for having committed the offence under Sections 148, 323/325 read with Section 149 IPC. While the accused-Jai Singh and Pawan @ Bhola were released on probation, accused-petitioners Chandi Ram and Makhan were sentenced vide judgment of conviction and order of sentence dated 14/16.02.2005 as under:-

Name of the Convict	Offence under Section	Sentence RI/SI	Fine	RI/SI default payment fine	in of of
Chandi Ram and Makhan	148 IPC	RI 01 month	Rs. 200/-	--	
	323 IPC	RI 03 month	Rs. 200/-	--	
	325 IPC	RI 02 years	Rs. 200/-	RI 01 month	

All the sentences were ordered to run concurrently.



4. The accused including both the petitioners-Chandi Ram and Makhan preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Fatehabad, vide judgment dated 07.10.2008.

5. The aforementioned judgments are under challenge in the present petition.

6. During the pendency of the instant revision petition, the sentences of the accused-petitioners/Chandi Ram and Makhan were suspended vide order dated 03.12.2008.

7. The learned counsel for the accused-petitioners contends that petitioner No.1-Chandi Ram has passed away and the petition survives qua Makhan only. As it was a case of version and cross-version where a conviction had been recorded in a cross-complaint lodged at the instance of Rani-wife of Chandi Ram, the sentence of the present petitioner-Makhan be reduced to the period already undergone by him.

8. The learned counsel for the State, on the other hand, has filed a custody certificate dated 27.01.2025 of the petitioner No.2-Makhan Singh which is taken on record. As per the said custody certificate, the accused-petitioner No.2 has undergone 02 months out of his substantive sentence. He contends that the medical evidence is in consonance with the ocular account. The nature of allegation levelled against the petitioner No.2 did not entitle him to the relief as prayed for. He, however, concedes that it was a case of version and cross-version and in the cross-case, the accused-party (the present complainant party) stands convicted.



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

10. From the evidence on record, it stands established beyond doubt that the offence was indeed committed by the convicted accused including the present petitioner. However, it is a case of version and cross-version where the present complainant party had also been convicted in a cross-case. Therefore, the commission of offence stands established.

11. Resultantly, no fault can be found with the well-reasoned judgments of the Trial Court dated 14/16.02.2005 and the Lower Appellate Court dated 07.10.2008. Therefore, the present petition stands dismissed.

12. As regards imposition of sentence, admittedly, the FIR was registered in the year 1992 and as many as 32 years have passed ever since then. A perusal of the custody certificate of the accused-petitioner would show that he does not have any criminal antecedents and is a first time offender. Therefore, the sentence of the accused/petitioner No.2-Makhan is reduced to the period already undergone by him i.e. 02 months. However, the sentence in default of payment of fine shall remain intact.

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

(JASJIT SINGH BEDI)
JUDGE

January 29, 2025
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No