

CRR-2213-2008 (O & M)

2025:PHHC:013192



::1::

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

(216-a)

**CRR-2213-2008 (O&M)
Date of Decision: 29.01.2025**

Jagga and anr.

... .Petitioners

Versus

Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Mehtab Kamboj, Advocate as Amicus Curiae
for the petitioners.

Mr. Satish Saini, Advocate,
for the respondent.

Mr. Viney Phogat, DAG, Haryana.

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 present complaint bearing No.Crl. Complaint No.83-I came to be instituted on 20.09.1992. 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 23.10.2008 and has come up for final hearing now i.e. after a period of 32 years from the date of institution of the complaint.

3. The brief facts of the case are that a Criminal Complaint No.83-I/20.09.1992 was got registered at the instance of Rani wife of Chandi Ram against seven persons, namely, Kailasho, Nanhi, Kallo, Jagga, Bhim, Rajo and Rani.

On conclusion of the Trial, all the accused were found guilty for having committed the offence under Sections 148, 323, 325, 506 read with Section 149 IPC. While the accused-Kailasho, Nanhi, Kallo, Rajo and Rani were given the benefit of probation, accused-petitioners, namely, Jagga son of Ronak and Bhim son of Jagga 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
Jagga and Bhim Singh	506 IPC	RI 07 days	--	--	
	148 IPC	RI 01 month	Rs. 200/-	--	
	323 IPC	RI 03 months	Rs. 200/-	--	
	325 IPC	RI 02 years	Rs. 200/-	RI 01 month	

All the sentences were ordered to run concurrently.

4. The accused-petitioners-Jagga and Bhim 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 were suspended vide order dated 07.11.2008.

7. The learned Amicus Curiae for the accused-petitioners contends that petitioner No.1-Jagga has since passed away and the present petition survives qua Bhim alone. As it was a case of version and cross-version where the accused-petitioner No.1/Jagga (since deceased) son of Ronak was the complainant in FIR No.41 dated 12.02.1992 under Sections 323, 325, 148 and 149 IPC, Police Station Tohana in which the present complainant party stood convicted, therefore, the sentence of the present petitioner-Bhim 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 29.01.2025 of the petitioner No.2-Bhim which is taken on record. As per the said custody certificate, the accused-petitioner No.2 has undergone imprisonment 01 month and 07 days out of his substantive sentence. He alongwith the learned counsel for the respondent contend 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. They, however, concede 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 the offence stands established beyond reasonable doubt.

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 present complaint was instituted 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-Bhim is reduced to the period already undergone by him i.e. 01 month 07 days. 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