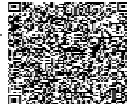


2025:PHHC:072557



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1403-2010(O&M)

Date of Decision:-27.05.2025

Munshi Ram & Ors.

.....Petitioners.

Vs.

The State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Aditya Sanghi, Advocate &
Mr. Himanshu Garg, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 10.05.2010 passed by Additional Sessions Judge, Ferozepur whereby the appeal filed against the judgment of conviction and order of sentence dated 08.01.2009 passed by Judicial Magistrate Ist Class, Fazilka has been dismissed modifying the sentence of accused/petitioner no.1-Munshi Ram by releasing him on probation for 02 years.

2. The FIR in the present case came to be registered on 16.08.2000. The judgment of conviction was passed on 08.01.2009 by the Judicial Magistrate Ist Class, Fazilka. The Appeal filed against the order of conviction was dismissed on 10.05.2010 by the Additional Sessions Judge, Ferozepur modifying the sentence of accused/petitioner no.1-Munshi Ram

releasing him on probation for 02 years. The instant revision petition was filed on 18.05.20210 and has come up for final hearing now i.e. after a period of more than 24 years from the date of registration of the FIR.

3. Briefly stated the case of prosecution is that on 16.8.2000, on receipt of a wireless message from Police Station Sadar Fazilka at Police Post Arni Wala regarding admission of Ved Parkash son of Munshi Ram, Kharaiti Ram son of Munshi Ram and Satnam Chand son of Saudagar Ram, residents of village Jhottian Wali in Civil Hospital, Fazilka due injuries, HC Bhola Singh alongwith HC Avtar Singh, C. Malikat Singh went to Police Station Sadar Fazilka and obtained medico legal reports pertaining to Ved Parkash, Kharaiti Ram and Satnam Chand. Then he went to Civil Hospital, Fazilka and sought opinion of the Doctor concerned as to the fitness of the injured and first recorded the statement of Satnam Chand, who stated that he was a resident of Village Jhottian Wali and an agriculturist. On that day i.e. on 16.8.2000 he had his turn of water to irrigate his fields w.e.f. 2 P.M to 5.00 P.M. and thereafter Munshi Ram son of Chanan Ram was to start irrigating his fields from 5.01 P.M. After irrigating his fields, he asked Munshi Ram to take water but Kharaiti Ram son of Munshi Ram armed with a Gandasi, Walaiti Ram son of Munshi Ram armed with a Gandasi and Munshi Ram armed with a spade started hurling abuses. When he prevented them from doing so, Kharaiti Ram gave Gandasi blow from its sharp edged side on his person and when he raised his left hand to ward off the blow the Gandasi hit on his left arm. Kharaiti Ram gave another Gandasi blow from its reverse side which hit on the back of his left wrist as well as left thumb. Then Walaiti Ram gave a reverse side blow of the Gandasi which hit on the upper half of his left leg. Then Munshi Ram gave a spade blows from its reverse side which hit on his right hand, right wrist and right arm. He fell

down on the ground face down and while he was lying the ground, Kharaiti Lal gave a reverse side Gandasi blow which hit on his back. He raised an alarm which attracted his wife Sushila Kumari who was coming to serve tea to him. Then all the accused fled away from the spot with their respective weapons. His maternal nephew Ramesh Kumar after arranging for a conveyance got him admitted at Civil Hospital, Fazilka. The motive behind the occurrence is that he had a dispute regarding turn of water with the accused, due to which all the accused in furtherance of their common intention caused injuries to him.

4. After recording the statement of Satnam Chand, HC Bhola Singh made his endorsement thereunder and sent a ruqa to the Police Station through HC Avtar Singh on the basis of which the FIR was registered. He also recorded the statement of injured Ved Prakash. Thereafter, the investigation was conducted by ASI Rattan Singh who found that Kharaiti Ram and Ved Prakash had not received injuries in the occurrence. On 24.8.2000, on receipt of X-ray report qua injuries of Satnam Chand, offence under Section 325 IPC was added. The accused were arrested 28.8.2000. On completion of investigation, challan against accused was presented in the Court.

4. Finding a prima facie case under Sections 325/324/323 read with Section 34 IPC against the accused, they were charge sheeted accordingly to which they pleaded not guilty and claimed trial.

5. In order to prove its case the prosecution examined, PW 1 Dr. Inder Mohan Chalana, who medico legally examined injured-complainant Satnam Chand and proved on record M.L.R. Ex. P1, pictorial diagram showing seats of injuries Ex. P2, declaration of nature of injuries after receipt of X-ray Ex. P3 and endorsement on police request Ex. P4 vide

which injured Satnam Chand was declared fit to make statement. The prosecution further examined PW. 2 Satnam Chand complainant-injured, P.W. 3 Sushila Rani, eye witness who reiterated the prosecution story regarding causing of injuries by the accused to Satnam Chand. The prosecution examined PW-4 HC Bhola Singh who recorded the statement of the complainant and proved ruqa Ex. P8 on the basis of which FIR Ex. P9 was registered. P.W. 5 Dr. V.K. Mujral was the Medical Officer who conduct X-ray examination of the complainant and proved X-ray report Ex. PW5/A and X-ray films Ex. PW. 5/B to Ex. PW. 5/H. PW. 6 ASI Rattan Singh was the Investigating Officer who conducted investigation of the case who proved on the file site plan Ex. PW-6/A.

6. After closure of the evidence, the accused were examined under Section 313 Cr.P.C. and all circumstances appearing in the prosecution evidence were put to them. The accused refuted the allegations of prosecution and claimed that they had been falsely implicated. They stated that on 16.8.2000 accused Kharaiti Ram and Walaiti Ram alongwith their brother Ved Prakash had gone to irrigate their fields, where Satnam Chand and his son Mandeep Singh caused injuries to Kharaiti Ram and Ved Prakash. After causing injuries, when Satnam Chand was fleeing away, he fell down on the pucca khal and received injury on his arm. He also fell down on the pucca platform constructed outside their house and received other injuries. Satnam Chand had institute suits regarding 8 kanals of land purchased by them from Bagh Chand brother of Satnam Chand and in order to put pressure on the accused party to withdraw those cases, the present case was falsely got registered on them. Satnam Chand had also caused fire arm injury to Kharaiti Ram for which a case under Section 307 IPC was registered against him and he was convicted and sentenced.

7. In defence evidence, the accused produced on record certified copies of judgment dt. 15.10.1996 passed by Sh. B.S. Sandhu, the then Civil Judge (Junior Division), Fazilka, judgment dt. 19.9.1997 passed by Sh. J.S. Korey, the then learned Addl. District Judge, Ferozepur warabandi (water turn) Ex. P3, copies of jamalbandi Ex. D4 & D6 and copy of Khasra girdawari Ex. D5.

8. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Ropar vide judgment and order of sentence dated 07.09.2009 as under:-

WALAITI RAM

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 325 IPC	RI for 02 Years	Rs.1000/-	RI for 15 Days
Section 323 IPC	RI for 06 Months	-	-
Section 324 r/w 34 IPC	RI for 06 Months	-	-

MUNSHI RAM

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 324 IPC	RI for 06Months	-	-
Section 325 r/w 34 IPC	RI for 02 Years	Rs.500/-	RI for 15 Days
Section 323 r/w 34 IPC	RI for 06 Months	-	-

KHARAITI RAM

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 324 IPC	RI for 06Months	-	-
Section 323 IPC	RI for 06 Months	-	-
Section 325 r/w 34 IPC	RI for 02 Years	Rs.500/-	RI for 15 Days

All the aforesaid sentences were ordered to run concurrently.

9. The accused/petitioners preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Ferozepur, vide judgment dated 10.05.2010. However, the sentence of the accused/petitioner no.1-Munshi Ram was modified by ordering him to be released on probation for 02 years.

10. The aforementioned judgments are under challenge in the present revision petition.

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 18.05.2010.

12. The Counsel for the accused/petitioners contends that he does not wish to challenge the convictions of accused/petitioners but prays that as the occurrence is of the year 2000, the sentence of accused/petitioner nos.2 & 3 be reduced to the period already undergone as they are ready and willing to suitably compensate the injured.

13. The Counsel for the State on the other hand has placed on record the custody certificates dated 27.05.2025 respectively. He contends that the nature of the allegations leveled against the petitioners does not entitle them to the concession as prayed for. Therefore, the present petition is liable to be dismissed.

14. I have heard counsel for the parties.

15. In the instant case the statements of the prosecution witnesses is consistent in material particulars regarding how and in what manner occurrence took place. The medical evidence is totally in consonance with the ocular account. Therefore, I find no merit in the present petition and the same stands dismissed.

16. As regards imposition of sentence, a perusal of the custody certificates would reveal that the accused/petitioner no.2 & 3 have undergone custody of 01 month and 27 days respectively out of the substantive sentence of 2 years. The matter has come up for hearing now after more than 24 years have elapsed from the date of registration of the FIR. Therefore, while upholding their conviction, I deem it appropriate to reduce the sentence imposed on them to the period already undergone by them subject to payment of compensation of Rs.20,000/- each to the injured

or his legal heirs. The sentence of fine and sentence in default thereof, however, shall remain intact.

17. The revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

May 27, 2025
Vinay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No