



Thereafter, obtaining of opinion qua fitness, statement of Teja Singh recorded to the effect that he is agriculturist of village Sukhladhi. On 23.10.2000, Teja Singh went to the house of Kulwant Singh for getting work on daily wage basis. When Teja Singh reached near the house of petitioner No.1 at about 7.00 p.m. on 23.10.2000, then he found petitioner No.1 present there. Complainant asked petitioner No.1 about labour works on daily wage basis, but son of petitioner No.1, namely, Narotam Singh hurled abuses. Thereafter, petitioner No.2, while armed with dang (stuff) as well as petitioner No.1 armed with Soti alongwith another person Gurdip Singh also armed with Soti inflicted injuries on the person of complainant. Complainant to save himself entered in house of Bhola Singh. Thereafter, petitioner No.1, Sarpanch after arranging for vehicle took injured Teja Singh to Civil Hospital for treatment. The motive for causing injuries was that the petitioners were indulging in ill activities due to which, they were suspecting that the complainant has informed the police about those activities. One of the injuries on person of complainant Teja Singh after X-Ray examination was declared as grievous in nature. After obtaining copies of the MLR, ski gram and X-Ray report as well as recovery of dangs/sticks and completion of investigation, challan against the petitioners presented.

3. After completion of investigation, the challan was presented before the competent Court of law. Thus, the trial Court found that a *prima facie* case under Sections 323, 325, 34 of IPC was made out against the present petitioners, to which they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined five witnesses, namely, PW-1 Dr. Rakesh Kumar Gupta, PW-2 Teja Singh, complainant, PW-3



SI Malkiat Singh, IO, PW-4 HC Babu Singh and PW-5 Dr. H.L.Garg and thereafter, closed the prosecution evidence.

5. After closure of the prosecution evidence, the statements of petitioners were recorded under Section 313 Cr.P.C. and all the incriminating evidence appearing against them were put to them. However, they claimed that they were innocent and had been falsely involved in the present case. In defence, the petitioners examined DW-1 Kala Singh and DW-2 Chhota Singh and thereafter, closed their defence evidence.

6. I have heard learned counsel for the parties and perused the record carefully.

7. In the present case, the prosecution examined PW1, Dr. Rakesh Kumar Gupta, who proved on record the MLR (Ex.PW1/A), pictorial diagram (Ex.PW1/B), bed head ticket (Ex.PW1/C) and ruqa (Ex.PW1/D). He also informed the SHO for making arrangement for conducting of x-ray, vide information (Ex.PW1/E). Even, injury No.1 was declared to be grievous in nature (Ex.PW1/F). Further, PW-3 Malkiat Singh proved the investigation conducted in the present case and also got the medico-legal examination of the injured conducted. PW4, HC Babu Singh proved the recovery memos (Ex.PW3/G and Ex.PW3/1) qua recovery of dangs Ex.PW3/J to Ex.PW3/G and Ex.PW3/I. The dang and soti were exhibited as Ex.P1 and Ex.P2 respectively. PW5 Dr. H.L. Garg proved the x-ray report (Ex.PW3/A), three skigrams (Ex.PX, Ex.PY and Ex.PZ).

8. From the statement made by PW2, Teja Singh, the complainant, it was apparent that all the accused/petitioners in furtherance of their common intention had caused injuries to the injured, when he had gone to contact



Kulwant Singh for working in his fields. Narotam Singh @ Nikka was having a dang, whereas, Darbara Singh was armed with a soti and they had attacked upon him. Even the injuries suffered by the injured were duly proved in the present case and the injuries No.1 and 2 were declared to be grievous. Even PW-1, Dr. Rakesh Kumar Gupta and PW-5, Dr. H.L. Garg had proved the injuries in the present case. Apart from that, ASI Malkiat Singh, PW-3 had proved the investigation in the present case. Thus, it is apparent that there was no illegality and perversity in the impugned judgments and the petitioners have been rightly convicted by both the Courts for the commission of offences punishable under Sections 325, 323, 34 IPC.

9. Now advertng to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioners are facing prosecution since 02.11.2000 i.e. for the last more than 25 years. Even, both the petitioners have already undergone about 02 months of actual custody, out of total sentence of 06 months. Moreover, Darbara Singh, petitioner No.1 is aged about 91 years, whereas, Narotam Singh @ Nikka, petitioner No.2 is also aged about 48 years. Apart from that, both the petitioners are the first time offenders and even after the grant of benefit of suspension of sentence of both the petitioners by this Court on 29.05.2008, they have maintained good conduct. Thus, keeping in view the mitigating circumstances, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioners. Thus, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

10. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence



imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

11. Pending applications, if any, stand disposed of, accordingly.

19.03.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No