

2026:PHHC:072438



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

205

CRR 1895 of 2009

Date of Decision: 07.05.2026

Mohar Khan

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement of conviction dated 15.07.2009 passed by the Court of Additional Sessions Judge, Faridabad and the judgement of conviction dated 08.01.2007 and order of sentence dated 09.01.2007 passed by the Court of Judicial Magistrate 1st Class, Palwal, whereby, the petitioner was held guilty for the commission of offences punishable under Sections 458 and 323 IPC and was sentenced to undergo rigorous imprisonment for the period of one year and to pay a fine of Rs.500/- for the offence punishable under 458 IPC and to undergo rigorous imprisonment for the period of 15 days and to pay a fine of Rs.200/- for the offence punishable u/s 323 IPC and in default of payment of fine, he shall undergo simple imprisonment for 15 days.

2. The FIR in the present case has been registered on the statement Ex.PW2/A given by Deenu son of Silu *inter-alia* on the

allegations that in the intervening night of 18/19.10.1999, he was sleeping at his house. His wife Samu was sleeping inside. At about 02.00 a.m., one person entered into their house and he was having *Lathi* in his hand. His wife woke up and raised alarm, on which he and his son Rahis also wake up and they saw Muhar Khan son of Malkhan. He tried to apprehend him but Muhar Khan gave *lathi* blows on his both hands and also threatened that if matter is reported to police, he would be killed. Thereafter, he ran away from there. Jannu son Chillu and Khurshid son of Mangal also came to the spot after hearing the noises. Regarding the incident Panchayat was called in the village but matter was not compromised. Investigation was carried out. Petitioner was arrested. Site plan was prepared. After completion of usual formalities of investigation, the petitioner was stand up for trial.

3. After the presentation of *challan*, the petitioners were charge-sheeted for the offences punishable under Sections 458, 323 and 506 IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Hem Raj ASI as PW1, Deenu son of Sillu complainant as PW2, Janu son of Sillu as PW3, Khurshio as PW4 and Shammo as PW5. Thereafter, evidence of the prosecution was closed by Court order.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

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

9. In the present case, the prosecution examined PW1, Hem Raj, ASI, who had proved the investigation. He found all the allegations levelled by the complainant as correct. The prosecution examined four witnesses, i.e. PW2 Deenu, PW3 Janu son of Sillu, PW4 Khusrshio and PW5 Shammo, who had proved the case of the prosecution beyond any doubt in the present case. Even, the prosecution had led sufficient evidence to show that the petitioner had committed the offence under Sections 458 and 323 IPC. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the is facing the agony of

trial/appeal since 20.10.199, i.e., for the last more than 26 years. The petitioner is a first time offender and is the sole bread winner of his family. The sentence imposed on the petitioner was suspended by this Court on 27.07.2009 and in the last more than 14 years, he has maintained good conduct and has not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgement of conviction dated 15.07.2009 passed by the Court of Additional Sessions Judge, Faridabad and the judgement of conviction dated 08.01.2007 and order of sentence dated 09.01.2007 passed by the Court of Judicial Magistrate 1st Class, Palwal, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

12. Pending applications, if any, stand also disposed of, accordingly.

07.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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