



208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3248-2009
Date of Decision:10.04.2026

Gobind Ram ...Petitioner
Vs.
State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. R.S Mamli, Advocate
for the petitioner.

Mr. K.P.S Virk, Advocate as Amicus Curiae
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

Ms. Shakti Kaushik, Advocate
for the complainant.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 09.12.2009 passed by the Court of Sessions Judge, Yamuna Nagar, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction dated 13.10.2008 and order of sentence dated 15.10.2008 passed by the Court of Judicial Magistrate IInd Class, Yamuna Nagar at Jagadhari, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 323 and 325 of IPC and was sentenced as under:-

Under Section 323 of IPC	S.I for a period of three months
Under Section 325 of IPC	S.I for a period of three months and to pay a fine of Rs.1500/-. In default of payment of fine, he shall undergo further S.I for two months.



2. The Brief facts of the prosecution case are that on 3.12.2000 at 10.40 A.M. a DDR was registered at the behest of one Smt. Kamlesh Rani, who stated that at about 9.30 A.M. on 3.12.2000, when she alongwith her sister-in-law Somwati went to *shamlat* plot to take cow dung then her in sister-in-law Mishra Devi got suspicious that they were going to untether their cattle. The said Mishra Devi reported the matter to the Gobind Ram brother-in-law of the complainant, who reached the spot with his son Manish Kumar and started beating them. It is further stated that she was hit by the *lathi* on right side of her head, left arm, on her teeth and her ear ring fell on the spot. Further, she stated that both of them hit by her sister-in-law on the left side of her head, on her forehead, on her left hand. Thereafter, they went away from the spot. The sister-in-law of the complainant was got medically examined from Civil Hospital and X-ray report was obtained in which fracture has been found, on which case was registered against the accused persons. Investigation was conducted. On 15.12.2000, accused was arrested. After completion of investigation, challan was presented in the court to face trial.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 323 and 325 r/w Section 34 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 05 witnesses. PW-1 Kamlesh, PW-2 Somwati, PW-3 Dr. Vinay Chaudhary, PW-4 Ashwani Bhatnagar and PW-5 Ram Kumar, Inspector (retired).



5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. In the present case, in order to prove the case of the prosecution, the prosecution examined PW-1 Kamlesh, who had fully supported the case of the prosecution. Her testimony has been duly corroborated by the statement of PW-2 Somwati. She also explained the injuries suffered by her as well as her sister-in-law in the occurrence. She further stated that Gobind Ram, appellant was her elder brother and Mishri Devi his wife. The prosecution further examined PW-3 Dr. Vinay Chaudhary, who had radiologically examined Somwati wife of Roshan Lal on 04.12.2000 and found fracture of proximal Phalmax of left thumb and proved his report Ex.PW-2/A and X.Ray report Ex.PW-2/2 to Ex.PW-2/6. He further deposed that on the same day he had radiologically examined Kamlesh wife of Parmal and found no injury and proved his report Ex.PW-2/7.

8. The prosecution further examined Dr. Ashwani Bhatnagar as PW-4, who medico-legally examined Somwati wife of Roshan Lal on



03.12.2000 and found the following injuries:-

- 1. 6 cm lacerated wound on left parietal region transversely placed bone deep, bleeding was present. Advised X-ray skull A.P. & lateral, surgeon opinion.*
- 2. 4 X 4 cm swelling on right side of forehead. Advise x-ray skull. A.P/Lateral*
- 3. Bleeding through anterior lower teeth was present. Advise dental surgeon opinion.*
- 4. 1x 2 cm radish contusion on left thigh lateral side in the upper third. No bony tenderness was present.*
- 5. 5 x 5 radish contusion with swelling 8 x 8 cm on left elbow was present, advise X-ray left elbow AP/Lateral- orthopedic opinion.*
- 6. 10 x 10 cm swelling on dorsum of left hand with tenderness was present all over in all fingers and thumb. Advised X-ray left in hand. AP/Lateral Orthopedic opinion.*
- 7. 5x2 cm radish contusion on lateral side of left ankle. Advised X-ray left ankle. AP/lateral Orthopedic opinion.*
- 8. 10x10 cm radish contusion on lateral side of left leg just below left knee. Advised X-ray left leg with left knee. AP/lateral Orthopedic opinion.*

He further examined Kamlesh wife of Parmal and found the following injuries on his person:-

- “1.Y shaped wound on right parietal region, obliquely placed, bleeding was present and wound was bone deep. Advised X-ray.Skull AP/Lateral; surgeon's opinion.*
- 2. 6 cm round radish contusion on anterior side of left fore arm in the middle. No bony tenderness was present. Teeth marks around the margin was present.*



3.6x2 cm radish contusion on left thigh on anterior side was present. Marked bony tenderness was present. Advised x-ray. Left thigh AP/lateral. Orthopedic opinion was sought.

4. 7 x 2 cm radish contusion on left leg lateral side was present marked bony tenderness was present. Advised x-ray left leg. AP/Lateral Orthopaedic opinion.

He deposed that all injuries were caused by blunt weapon and within six hours of duration. Injury No.2 was simple in nature, while, rest of the injuries were kept under observation. He also proved the MLRs of Kamlesh and Somwati.

9. The prosecution further examined Ram Kumar, Inspector (retired) as PW-5, who had conducted the investigation in the present case and presented the challan.

10. From the above referred prosecution evidence, it is apparent that the prosecution had examined both the injured namely PW-1 Kamlesh and PW-2 Somwati. Even, Somwati is younger sister of the petitioner and had no reason to depose against him. Even, the injuries suffered by them have been proved on record by PW-3 Dr. Vinay Chaudhary, who categorically stated that the injuries were caused to Somwati by a blunt weapon. Still further, even the allegations levelled against the petitioner were also found to be correct by PW-5 Ram Kumar, Inspector (retired), who had conducted the investigation in the present case. There was sufficient evidence to show that the petitioner had committed the offence under Sections 323 and 325 of IPC and he was rightly convicted by both the Courts. Even otherwise, there was no irregularity and illegality in the impugned judgments passed by both the Courts.

11. Now, adverting to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of



trial/appeal since 13.12.2000 i.e. for the last more than 25 years. Even he is the sole bread earner of the family and is the first offender. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 08.01.2010 and has never misused the concession of bail. Even as per the Custody Certificate, he has already undergone more than 01 month and 05 days of actual custody. Moreover, at the time of his conviction, he was aged about 54 years and at present, he is aged more than 70 years. Consequently, the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case. However, the amount of fine will remain the same.

12. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine will remain the same.

13. I record my appreciation for Mr. K.P.S Virk Amicus Curiae, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/-, which shall be paid by the Secretary High Court Legal Services Comittee, as per rules and practices.

(N.S.SHEKHAWAT)
JUDGE

10.04.2026
hitesh

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