



CRR-1294-2010 (O&M)

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

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Date of decision : 31.01.2026

Raju & Ors.

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Hitesh Verma, Amicus Curiae for the petitioners.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 323, 325 and 34 of the Indian Penal Code, the FIR No.30 dated 27.01.1998 was lodged in Police Station Punhana. Once the FIR was lodged, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the petitioners were sent to face trial to the Court of learned Sub-Divisional Judicial Magistrate Punhana, hereinafter being referred to as 'trial Court' only.

2. The petitioners participated in the abovementioned trial, which by virtue of judgment dated 20.05.2008 culminated into their conviction.



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Thus, by virtue of order on quantum of sentence, dated 22.05.2008, the petitioners were awarded following sentences:-

Accused	Under Section	Imprisonment	Fine
Raju, Ilyas and Sattar	323 read with Section 34 IPC	To undergo rigorous imprisonment for six months.	Rs.5000/- each and in default thereof, they shall undergo rigorous imprisonment for 15 days
	325 read with Section 34 IPC	To undergo rigorous imprisonment for one year.	

All the sentences were ordered to run concurrently.

3. Aggrieved of the abovementioned judgment of conviction and order of sentence, the petitioners preferred an appeal in the Court of Sessions. The abovementioned appeal has been decided by the Court of learned Additional Sessions Judge Nuh, hereinafter being referred to as 'Appellate Court' only. The appeal, preferred by the petitioners, did not find favour before the learned Appellate Court, and the same has been dismissed by virtue of judgment dated 20.04.2010.

4. Feeling aggrieved of the judgment of conviction dated 20.05.2008 and order of sentence dated 22.05.2008, passed by the learned trial Court, and the judgment dated 20.04.2010, passed by the learned Appellate Court, the present revision petition has been preferred by the petitioner.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 27.01.1998 at the instance of 'Akbar'. It was

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stated by the above-named complainant that on 27.01.1998, he was taking his cattle in Village Jaiwant and that on the way in front of the house of Sattar, Sattar came out of his house, stopped the complainant and questioned why he had allowed his goats to enter into his fields and why he (complainant) had abused Sattar's wife. It was further alleged by the complainant that when he tried to explain that he had not abused his wife, Sattar gave lathi blows on the back of his head, on the little finger of his right hand and also on his right hand. The complainant further alleged that on seeing this, his father, who was accompanying them, tried to rescue him, but Raju, Ayub, Islam, and Farrukh joined the assailant and inflicted injuries with the help of *lathies*.

6. It was further alleged by the complainant that Farrukh gave lathi blow on his back and Ayub gave lathi blow on his wrist, and both the accused also pelted stones and brick, aiming his father, which hit on his forehead and nose. According to complainant, when they screamed for help, Rujdar and Juhru arrived on the spot and rescued them from the clutches of abovementioned accused.

7. It is the case of the prosecution that in view of abovementioned complaint formal FIR of this case was lodged, and the investigation taken up. As per prosecution during the course of investigation, when all the necessary formalities, with regard to investigation, were completed and the entire evidence was collected, the final report under Section 173 of Cr.P.C. was filed before the Court, for trial of the petitioners.

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8. Heard.

9. It has been contended on behalf of petitioners that the impugned judgment of conviction and order of sentence deserve to be set aside, being the outcome of non-application of judicial mind. According to learned counsel for the petitioners, the learned trial Court, vis-à-vis the learned Appellate Court, have failed to appreciate that the necessary ingredients meant for the commission of offence under Sections 323/325 read with Section 34 of IPC were not established by the prosecution, as per the standard, prescribed under the law.

10. As per learned counsel for the petitioners, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the petitioners guilty, and that despite the facts that the deficiencies in prosecution case were duly pointed out, the abovementioned judgment of learned trial Court has been upheld by the learned Appellate Court.

11. However, during the course of arguments, the learned counsel for the petitioners has argued that in the instant revision petition, the petitioners are not inclined to challenge the finding of conviction recorded by the learned trial Court, and duly affirmed by the learned Appellate Court. The learned counsel for the petitioners has categorically contended that at this stage, by virtue of present petition, the petitioners are only challenging the order on the quantum of sentence.

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12. It has been further contended by learned counsel for the petitioners that the incident had taken place way back in the year 1998, and that on completion of trial, when the petitioners were convicted, they had preferred an appeal before the learned Appellate Court, which was decided in the year 2010, and in the same year, the present revision petition was filed. According to learned counsel for the petitioners, the petitioners are facing the agony of litigation for the last 27 years and have, in fact, already suffered more punishment than they deserved. It has been submitted on behalf of petitioners that the offence in question is the first offence committed by the petitioners, and that even after the offence related to present revision petition, the petitioners have not been prosecuted for any other offence.

13. In addition to above, the learned counsel for the petitioners has also argued that in the present case, the petitioners have already served a sentence for a period of more than 03 months, and that by treating the above-discussed factors, the sentence already undergone by the petitioners may be treated to be sufficient sentence.

14. *Per contra*, the learned State Counsel has argued that the petitioner has been found guilty for the commission of offence punishable under Section 323/325 read with Section 34 of IPC. According to learned State Counsel, the sentence awarded to the petitioners, i.e. imprisonment for a period of one year, is already on lower side, and that the petitioners are not entitled for a sentence of imprisonment for a period of less than one year. As

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per learned State Counsel, the instant revision petition has no merit and deserves dismissal.

15. The record has been perused carefully.

16. Once it is a categorical stand of the petitioners that they are not challenging the judgment of conviction, which has been duly affirmed by the learned Appellate Court, it is hereby held that there is no scope for interference & indulgence in the finding recorded by the learned trial Court with regard to conviction of petitioners under Sections 323/325 read with Section 34 of IPC. Accordingly, the abovementioned finding is hereby affirmed.

17. As far as the order on quantum of sentence is concerned, in view of the fact that the petitioners are the first offenders, and that after the present case, they have not been prosecuted by the police for any other case, it is hereby held that the petitioners are entitled for a lenient view, and that the sentence awarded to the petitioners, i.e. imprisonment for a period of one year, is harsh. Thus, with regard to quantum of sentence, there is need for interference and indulgence of revisional jurisdiction of this Court.

18. In the light of above observations, if the factual matrix of present case is analyzed, it transpires that following are the points which need consideration:-

(a) that the incident in question had taken place about 27 years back;



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- (b) that the petitioners are facing the agony of protracted trial for the last 27 years;
- (c) that there is nothing on record to show that the petitioners have been involved in any other criminal case; and

19. As a cumulative effect of abovementioned observations, it is hereby held that in the present case the petitioners are entitled for a lenient view, and that the sentence, which they have already undergone in the present case, i.e. 03 months and 13 days, is adequate to meet the ends of justice.

20. As a sequel to the aforesaid discussions, the judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the petitioners is reduced to the period already undergone by him. The present revision petition stands *partly allowed*, accordingly.

21. Pending miscellaneous application(s), if any, stand(s) disposed of.

(SURYA PARTAP SINGH)
JUDGE

31.01.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No