



206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2566-2012 (O&M)
Date of Decision: 27.04.2026

Maya Singh ...Petitioner

vs.

State of Haryana ...Respondent

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

Present : Mr. Sanjiv Sheoran, 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 judgment dated 18.08.2012 passed by the Court of Sessions Judge, Kaithal, whereby the judgment of conviction dated 10.06.2010 and order of sentence dated 14.06.2010, passed by the Court of Judicial Magistrate 1st Class, Kaithal was modified and the petitioner was sentenced as under:-

Under Section	Imprisonment
323 of IPC	RI for three months and to pay a fine of Rs.200/- and in default of payment of fine, to further undergo SI for one week.
326 of IPC	RI for two years and to pay a fine of Rs.1000/- and in default of payment of fine, to further undergo SI for one month.
506 of IPC	RI for three months and to pay a fine of Rs.300/- and in default of payment of fine, to further undergo SI for one week.

2. The brief facts of the present case are that the FIR in the present case was registered on the basis of the statement made by Jai Bhagwan,



complainant, who got his statement (Ex.PA) recorded, wherein the complainant disclosed that he is running a cement shop at the Habri-turning, in the area of Pundri and he was having money transaction with appellant-accused Maya Ram for the last many years. There arose some misunderstanding regarding some money transactions in the mind of Maya Ram and the complainant had settled all the accounts of Maya Ram in the presence of Gram Panchayat of village Rarnana Ramani and nothing was left due but appellant-accused Maya Ram was having grudge in his mind on this count. On 30.11.2003 the complainant was coming back to his house from his cement shop and at about 3.30 p.m. when he was passing in front of the house of the appellant-accused after raising demand of the amount of goods from his clients, all of a sudden Maya Ram accused came in the gali from his house and raised 'lalkara' to teach a lesson to the complainant for giving less money in the year 2002 and on this the complainant asked the accused that he had already cleared his accounts in the panchayat and now nothing remains to be settled with him. In the meantime accused Maya Ram brought a lathi fitted with an iron substance from his house and gave a lathi blow on the little finger of right hand of complainant. The complainant further alleged that Maya Ram accused also gave lathi blows on his left and right leg below the knees and then the complainant raised noise of 'Mar Dia Mar Dia'. On hearing the noise Rajesh, son of the complainant, arrived at the spot, who rescued the complainant from clutches of accused. It is further alleged that the accused also extended threats to the complainant to kill him in future. With these details it was prayed that legal action be taken against the accused.



3. On the above statement (Ex.PA) made by the complainant ASI Atma Ram made his endorsement (Ex. PC) thereon and sent the same to the Police Station for recording of FIR on the basis of which FIR (Ex.PD) was recorded by SI Mohinder Singh, who made his endorsement (Ex.PD/1) to this effect. Thereafter further investigations were carried out. The medical record was collected. Rough site plan of the place of recovery was prepared. The accused was arrested. Statements of the witnesses under Section 161 Cr.P.C. were recorded and on completion of necessary investigation the report under Section 173 Cr.P.C was presented in the court of learned Illaqa Magistrate.

4. After presentation of challan, the trial Court found that a *prima facie* case under Sections 323, 324, 326, 506 of IPC was made out against the petitioner and he was charge-sheeted accordingly. He pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined PW-1 Jai Bhagwan, PW-2 Rajesh, PW-3 ASI Lalit Mohan, PW-4 Dr. Vimal Kumar, PW-5 ASI Atma Ram, PW-6 Dr. D.G. Mittal and thereafter, the evidence of the prosecution was closed.

6. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating evidence was put to him. He pleaded innocence and claimed trial. No defence evidence was led by the accused.

7. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner



has not challenged the judgments of convictions, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

8. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

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

10. In the present case, PW-1 Jai Bhagwan, complainant supported the case of the prosecution completely. His statement finds corroboration from the statement made by PW-2, Rajesh son of Jai Bhagwan. Even both the witnesses were cross-examined at length, however, their testimonies could not be shaken in any manner and both the witnesses had given the entire sequence of events and the manner in which injuries were inflicted on them by the petitioner. Still further, the prosecution further examined PW-5 ASI Atma Ram, who proved the ruqa (Ex.PA), police proceedings (Ex.PC), FIR (Ex.PB), site plan (Ex.PE) and recovery memo (Ex.PB). Still further, PW4, Dr. Vimal Kumar and PW6, Dr. D.G.Mittal had produced the medical record in the present case. In the present case, there was sufficient evidence to show that the petitioner had committed the offence under Sections 323, 324, 326, 506, IPC and has been rightly convicted by the trial Court. Even otherwise, I have carefully perused the judgments of convictions passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

11. Now, advertng to the order on quantum of sentence, this Court cannot lose site of the fact that the petitioner is facing agony of trial/appeal/revision since 01.12.2003 i.e. for the last more than 22 years. Even



as per custody certificate, the petitioner has already undergone more than 05 months of actual custody, out of total sentence of two years. Even the sentence imposed on the petitioner was suspended by this Court on 09.01.2013 and since then, he had maintained good conduct. Thus, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.

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

13. All pending applications, if any, are also disposed off, accordingly.

14. Case property, if any, may be dealt with as per rules.

15. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

27.04.2026
hemlata

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