





Hazara Singh resident of village Heon, P.S. Banga received five injuries and injuries No.3 to 5 were kept under observation and issues No.1 & 2 were declared as simple in nature. On this HC Makhan Singh alongwith other police officials went to Civil Hospital, Banga and submitted his request to the doctor to record the statement of Mohinder Singh, but Mohinder Singh told him that he received injuries and is suffering pain and he could not make the statement. On 20.7.2005, as a talk of compromise was going on, so he did not make the statement. On 21.7.2005, report of injury kept under observation was received and injury No.3 was declared a grievous in nature and remaining injuries were declared as simple in nature. HC Makhan Singh alongwith other police officials again went to Civil Hospital, Banga on 21.7.2005 and recorded the statement of Mohinder Singh, who stated that he is resident of village Heon and has two sons Hardip Singh and Sukhwinder Singh and he was living with his youngest son. On 18.7.2005, he was present in front of his house on the road and in the meanwhile Avtar Singh alias Tari armed with iron rod and Davinder Singh armed with Dang came at 7 p.m. and Avtar Singh raised Lalkara that he must be taught a lesson for throwing 'Kurha' in their house and they ran away to his house. Avtar Singh gave a blow of iron rod to complainant and complainant in order to save himself, raised his hands and the blow hit on the little finger of his left hand. Davinder Singh also gave blow of a dang, which hit on the little finger of his left hand. He fell on the ground. Accused Avtar Singh and Davinder Singh caused injuries on his person and he raised raula. On this, his daughter-in-law Manjit Kaur and neighbour Gurmail Singh alias Billa and other persons came at the spot and thereafter accused ran away from



the spot alongwith their weapons. The dispute between the complainant and accused was that complainant throw 'Kurha' in the land of Gram Panchayat, but accused party claimed their right on that place. So, they caused injuries on the person of complainant. After recording the statement of complainant, HC Makhan Singh sent the Ruqa to the Police Station, on the basis of which the formal FIR was registered.

3. After completion of investigation, the challan was presented before the competent Court of law. Ultimately, the trial Court found that a *prima facie* case under Sections 341/323/325/506/34 of IPC was made out against the present petitioners and they were charge-sheeted, accordingly. However, both the petitioners claimed that they were innocent and may be tried by the trial Court.

4. In support of the prosecution case, PW-1 Mohinder Singh, complainant, PW-2 Manjit Kaur, daughter-in-law of complainant, PW-3 Dr. Navdeep Bangar and PW-4 Avtar Singh, Radiographer, Civil Hospital, Banga were examined as prosecution witnesses and thereafter, the evidence was closed.

5. After closure of the prosecution evidence, the statements of petitioners were recorded under Section 313 Cr.P.C. and they claimed that they were innocent and had been falsely involved in the present case. The petitioners did not produce any defence evidence before the trial Court.

6. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgment of conviction passed against the petitioners by both the Courts and some leniency may be shown while awarding



the sentence on them. Even though, learned counsel for the petitioners has not challenged the judgment of conviction, still this Court has considered the case on merits.

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

8. In the present case, from the record, it was apparent that the FIR was got registered by Mohinder Singh, who was aged about 70 years. He had reiterated the averments made in the FIR and also explained the entire evidence against the petitioners. Still further, PW-2 Manjit Kaur, even though declared to be hostile, still she had clearly stated that there was a fight between her father-in-law and Avtar Singh and Davinder Singh, both sons of Narinder Singh. Even, the statement of PW-1 complainant was supported by the statement of PW-3, Dr. Navdev Bangar, who proved the copy of MLR (Ex.PW3/A) and pictorial diagram (Ex. PW3/B) and opinion regarding declaration of injuries (Ex.PW3/C) and stated that he conducted the medico legal examination of Mohinder Singh and found the following injuries:-

“1. A radish brown, tenders to touch bruises 12.0 x 3.5 cm in size on the right upper 1/3rd of the back, oblique in position. Starting from medium extending upwards laterally upto the lower part of the left scapula.

2. An abrasion 1.5 x 0.2 cm in size in the middle of the middle 1/3rd part of the left side of the back. Mild oozing of blood is there from it.

3. A lacerated wound, oblique in position 2.2 x 0.2. x 0.2 cm in Size and Palmer aspect of the 1st phalanx of little finger of the left hand



extending from Palmer aspect to the lateral side of the finger. Advised X-ray.

4. An oblique lacerated wound 1.2 x 0.1 x 0.1 in size on the middle phalanx of the little finger on the Palmer aspect extending upto the 3rd phalanx. Mild oozing of blood was there. Advised Xray on the part.

5. A tender swelling on the dorsal aspect of the metacarpophalangeal joint of the little finger of the left hand. Advise X-ray.

Injuries No.3 to 5 were kept under observation and issues No.1 & 2 were declared as simple in nature.”

9. From the entire prosecution case, it was apparent that the FIR was registered on the basis of the statement made by Mohinder Singh, without any delay and both the Courts had rightly held that the delay in lodging the FIR was properly explained. Even the statement of PW-1 was clearly corroborated by the statement of PW-2. Apart from that, the prosecution had examined Dr. Navdev Bangar, PW3, who had proved the injuries on the person of Mohinder Singh. Thus, it is apparent that there was no illegality and perversity in the impugned judgments and the petitioners were rightly convicted for commission of offences punishable under Sections 325, 325 of IPC.

10. Now adverting to the order of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 21.07.2005 and the petitioners are facing the agony of trial/appeal/revision, since last more than 20 years. Even both the petitioners are sole bread winners of the family and the sentence of the petitioners was suspended on 09.02.2012. Still further, from the custody certificate, it was apparent that both the petitioners have undergone 13



days of actual custody, out of total sentence of 01 year and 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.

11. 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.

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

(N.S.SHEKHAWAT)
JUDGE

12.03.2026
hemlata

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