





of the Doctor regarding the fitness of injured. The Doctor opined injured fit to make statement and also handed over one MLR of injured Jugal Kishore to ASI Mohri Lal in which as many as 7 injuries were shown to be inflicted to injured out of which injury No.1, 2, 3 and 7 were kept for x-ray examination. Thereafter, Jugal Kishore got recorded his statement alleging that he is running the business of photo framing. On 27.5.2005 at about 10.00 a.m., he was out to open the shop, then Navjot @ Joti son of Harjinder Singh armed with iron rod and their employee Vicky armed with rod came there and started abusing him and saying that they will teach the less regarding opening the shop and Joti armed with iron rod inflicted blow upon him which hit on his backside and Vicky gave iron rod blow on his right arm and they put him down and gave beatings with iron rods which hit on the right hand index finger and one rod blow was given by Joti on his right knee. They kept on giving beating to him. He raised raula of *marta-marta*. Jagdish Singh son of Bihari Lal and Devi Lal came there and rescued him from the clutches of accused. The accused persons ran away alongwith their respective weapons. Wife of complainant and his brother Ravi Kumar got him admitted in hospital. Motive behind the occurrence is that earlier both were tenants and Hajinder Singh Sidhu purchased both the shops from Jagjit Singh but he was tenant prior to that. Court ordered him to make the payment of rent at the rate of Rs.150/- but he was making the demand of Rs.500/- as rent. He is depositing the rent in the Court. Due to that grudge, they all inflicted injuries to him.

3. After registration of the FIR, the investigation was conducted and the final report under Section 173 Cr.P.C. was presented before the Illaqa Magistrate. The trial Court found a *prima facie* case under Sections 325, 323



read with Section 34 of IPC against the petitioner and the charge was ordered to be framed. The petitioner pleaded not guilty and claimed trial.

4. To prove the case of the prosecution, the prosecution examined 07 witnesses, namely, Jugal Kishore, complainant as PW-1, Ravi Kumar as PW-2, Jagdish Rai as PW-3, Dr. Madan Lal, Medical Officer, Civil Hospital, Maur again marked as PW-3, Dr. M.R.Gupta, Retired Medical Officer, Civil Hospital, Bathinda as PW-4, Rajinder Singh, Ex. M.C. as PW-5, HC Harphool Singh No.1360 as PW-6 and SI Mohri Lal, Investigating Officer as PW-7 and thereafter, the evidence was closed.

5. After closure of evidence of the prosecution, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating circumstances appearing against him, during the course of investigation.

6. To prove his defence, he examined two witnesses i.e. Paramjit Singh as DW-1 and Pardeep Kumar as DW-2 and thereafter, closed his defence evidence.

7. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts, however, he stated that the present petitioner is aged about 76 years and is the first convict and some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

8. I have gone through the documentary as well as oral evidence produced on the file and examined the case on merits.



9. From a perusal of the prosecution evidence, it is apparent that immediately after the incident, the report was lodged by Jugal Kishore, complainant. The complainant Jugal Kishore appeared as PW-1 and reiterated the case of the prosecution in the present case. The testimony of PW-1 Jugal Kishore, complainant was duly supported by the statement of Ravi Kumar, PW-2. Even PW-3, Jagdish Rai clearly stated that he was passing nearby the shop of complainant Jugal Kishore and found that he was stained with blood and the accused was also present there. The injured and eye-witnesses were duly corroborated by PW-3 Dr. Madan Lal, who deposed that on 27.05.2005, he had medico legally examined the complainant and proved on record the MLR of the complainant as Exhibit PB and his pictorial diagram as Exhibit PB/1. He also stated that after X-ray report, injuries No. 2 and 3 on the person of Jugal Kishore were declared to be grievous in nature. Still further, the prosecution had examined PW-7, SI, Mohri Lal, Investigating Officer of the case and the allegations leveled by the complainant were found to be correct during the course of investigation. Even all the witnesses of the prosecution were duly cross-examined and their testimonies could not be shattered in any manner. Thus, both the Courts have rightly appreciated the evidence led by the parties and the petitioner was rightly convicted for commission of the offences punishable under Sections 325, 323 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 13.06.2005 and the petitioner is facing the agony of trial/appeal/revision, since last more than 20 years. The petitioner is at present aged about 76 years and his sentence was suspended on 17.07.2013 and he has not involved in any other criminal case



since then. Apart from that, the petitioner has undergone actual custody of 02 months and 15 days, out of total sentence of one year and this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, 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.

10. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, 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.

11. 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