

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2080 OF 2013
(ARISING OUT OF SLP(CRL.) NO.2017 OF 2013)

KALU @ SUKHBIR
STATE OF HARYANA

VERSUS

....APPELLANT
....RESPONDENT

O R D E R

The petitioner aggrieved by his conviction under section 323 and 325 read with section 34 of the Indian Penal Code (for short the 'IPC') and sentence of simple imprisonment for six months and fine of Rs.100 with default clause under section 323/34 IPC and simple imprisonment for two years and fine of Rs.200/- with default clause under section 325/34 IPC, has preferred this special leave petition.

By order dated 01.03.2013, we have issued notice limited to the question of sentence.

Leave granted limited to the question of sentence.

While upholding the appellant guilty, all the courts below sentenced the appellant as mentioned above.

We have heard learned counsel for the parties.

Taking into consideration the facts and circumstances of the case; particularly the fact that the incident had taken place long back and further the appellant and the injured are neighbours, we reduce the substantive sentence from two years to one year under section 325/34 of the IPC. However, we maintain the appellant's conviction and sentence under section 323/34 of the IPC as also fine under section 324 and 325 read with section 34 of the IPC. All the sentences shall run concurrently.

In the result, the appeal is partly allowed and conviction of the appellant is maintained with the modification in the sentence as indicated above. We also observe that if the appellant has already served the aforesaid sentence, he be set at liberty forthwith if not required in any other case.

.....J
[Chandramauli Kr. Prasad]

.....J
[Kurian Joseph]

New Delhi;
December 09, 2013.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2017/2013

(From the judgement and order dated 31/07/2012 in CRLR No.2181/2012, of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KALU @ SUKHBIR

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With appln(s) for bail and office report)

Date: 09/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Rajesh Singh, Adv.

For Respondent(s) Mr. Ramesh Kumar, Adv.
For Dr. Monika Gusain, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted limited to the question of sentence.
The appeal is partly allowed in terms of the signed order.

(Sanjay Kumar) Court Master | (Indu Satija)
Assistant Registrar

(Signed order is placed on the file)