

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S No. 1419 SB of 2003 (O&M)

Date of decision : February 25, 2015

Wazir and others,

..... Appellant

v.

State of Haryana,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sameer Tiwari, Advocate
for the appellants.

Mr. RK Makkar, DAG Haryana

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment/order dated 29.7.2003, by which the trial Court has convicted the appellants under Sections 307, 325, 324, 323 read with Section 34 of the IPC and sentenced them to undergo RI for 10 years each and to pay a fine of ₹ 10,000 each/- under Section 307/34 of the IPC, in default of payment of fine, to undergo further RI for two years each; to undergo RI for 3 years each and to pay a fine of ₹ 3000/- each under Section 325/34 of the IPC, in default of payment of fine to undergo further RI for 9 months each; to undergo RI for one year each and to pay a fine of 1000/- each under Section 324/34 of the IPC, in default of payment of fine to undergo further RI for three months each; and

to undergo RI for six months each and to pay a fine of ₹ 500/- each under Section 323/34 of the IPC, in default of payment of fine to undergo further RI for one month each.

On the last date, the following order was passed :-

“ Learned counsel appearing for the appellants states that apart from the merits of the case the matter has been compromised between the parties and in fact the bail was granted only after this Court was satisfied about the fact of compromise. He has further stated that the parties are closely related and the appellants have also undergone more than 2 years of sentence.

Learned Deputy Advocate General seeks a short adjournment to respond.

Adjourned to 18.02.2015.”

Counsel for the respondent has confirmed the facts mentioned above.

Counsel for the appellants has argued that the parties are closely related and have decided to bury hatchets and in fact are having visiting terms with each other. He has further argued that the appellants have already undergone more than 2 years of actual sentence, and the incident took place almost 15 years ago, and in case this Court would consider reducing their sentence to the period already undergone by them, he would not press this appeal on merits. He has relied upon Surendra Nath Mohanty v. State of Orissa, 1999(2) RCR (Criminal) 683, wherein the Hon'ble Supreme Court held as follows :-

“7. We reiterate that the course adopted in *Ram Pujan v. State of U.P and others*, and *Mahesh Chand and another v. State of Rajasthan (supra)* was not in accordance with law. However, considering the fact that parties have settled their dispute outside the Court and the fact that 10 years have elapsed from the date of the incident and the further fact that appellants have already undergone 3 months imprisonment as per the sentence imposed on them, we think that ends of justice would be

met if the sentence of imprisonment is reduced to the period already undergone besides imposing a fine of Rs.5000/- on each of the accused under Section 326 read with Section 34, Indian Penal Code. We reduce the sentence as indicated above and direct that in default of payment of fine, the appellant concerned shall undergo simple imprisonment for a further period of three months. We also refrain from imposing any separate sentence on the other courts of offences. Out of the fine amount, if realised, a sum of Rs.9,000/- also be paid to the injured as compensation.”

Counsel for the respondent has not disputed these facts.

In these circumstances, I accept the prayer made by counsel for the appellants and even while maintaining their conviction, reduce the sentence to the period already undergone by them.

The appeal stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

February 25, 2015
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