

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No.27052 of 2015 in
Criminal Appeal No. S-3074-SB of 2015
Date of decision: 27.11.2015.**

Mohan Kumar and another ..Applicants-Appellants

Versus

U.T. Chandigarh ..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. J.S. Santwal, Advocate
for the applicants-appellants.

Ms. Ashima Mor, Standing Counsel
for the respondent –U.T. Chandigarh.

Daya Chaudhary, J.

CRM-27052 of 2015

Learned counsel for the applicant-appellants submits that a compromise has been effected between the parties and the complainant-injured has no objection in reducing the sentence to the period already undergone.

The appeal stands admitted on 17.07.2015.

Learned counsel for the applicant-appellants requests for hearing of main appeal.

On his request, the appeal is taken up for hearing today

itself.

CRA-S-3074-SB of 2015

The appellants faced trial in case FIR No.332 dated 04.10.2014 registered under Sections 341 and 307 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Industrial Area, Chandigarh and were convicted and sentenced vide judgment dated 13/16.05.2015 passed by learned Additional Sessions Judge, Chandigarh as under: -

<i>Name of the convict</i>	<i>Convicted under Section</i>	<i>Sentence imposed</i>	<i>In default of payment of fine</i>
Mohan Kumar	323 read with Section 34 IPC	RI for three months	---
	341 read with Section 34 IPC	RI for seven days	---
	307 read with Section 34 IPC	RI for four years and fine of ₹5000/-	Further undergo RI for a period of three months.
Shiv Shankar	323 read with Section 34 IPC	RI for three months	---
	341 read with Section 34 IPC	RI for seven days	---
	307 read with Section 34 IPC	RI for four years and fine of ₹5000/-	Further undergo RI for a period of three months.

All the sentences were ordered to run concurrently.

Said judgment of conviction and order of sentence has been challenged by the appellants before this Court by way of filing the present appeal, which was admitted on 17.07.2015.

During pendency of the appeal, a compromise has been arrived at between the parties and on the basis of compromise, an

application has been moved by the appellants for reducing the sentence to the period already undergone as the complainant has no objection in reducing the sentence.

Learned counsel for the appellants submits that the dispute between the parties has been settled and both the parties want to live with peace and harmony. The injured-complainant has no grudge against the accused persons. Learned counsel for the appellants further submits that the appellants have undergone actual sentence of more than 1 year and 1 month against total sentence of 4 years and they are facing the agony of trial since lodging of FIR i.e., 04.10.2014. During trial, the appellants were on bail but that concession was not misused by them.

Admittedly, the offence under Section 307 IPC is non-compoundable but since the complainant has no objection in reducing the sentence because of compromise arrived at between the parties and the object of the compromise is to maintain peace and harmony in the relations.

Accordingly, keeping in view the interest of the parties and the fact that the complainant has no objection in reducing the sentence; and the fact that the appellants have undergone actual sentence of more than 1 year and 1 month against total sentence of 4 years, request of learned counsel for the appellants is accepted. However, the conviction is upheld and the sentence awarded to the

appellants is reduced to the period already undergone subject to deposit of amount of fine with Chief Judicial Magistrate/Duty Magistrate, Chandigarh within a period of one week from the date of receipt of certified copy of this order.

The appeal is disposed of with the modification in sentence by upholding the judgment of conviction.

27.11.2015
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**(DAYA CHAUDHARY)
JUDGE**