

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revn. No. 1624 of 2014 (O&M)

DATE OF DECISION: 23.01.2015

Praveen

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper 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. Bipan Ghai, Senior Advocate with
Mr. Joban Singh, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Digvijay Nagpal, Advocate
for the complainant.

DAYA CHAUDHARY, J.

Petitioner, namely, Parveen faced trial in case FIR No. 26 dated 2.3.2008 registered under Section 377/34 IPC at Police Station Indri, Karnal and was convicted and sentenced under Section 377 IPC by Chief Judicial Magistrate, Karnal vide its judgment/order dated 6/7.9.2013 to undergo RI for a period of three years with a fine of ₹ 5000/- with default clause.

Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioner preferred an appeal before Additional Sessions

Judge, Karnal, which was also dismissed on 21.4.2014 and judgment of trial Court was upheld.

The present revision petition has been filed to challenge the aforesaid judgments of trial Court as well as appellate Court by raising various grounds.

Learned senior counsel for the petitioner contends that during the pendency of the revision petition, a compromise has been arrived at between the parties. In compliance of order dated 26.11.2014, parents of the aggrieved boy are present in Court today and they have been identified by Mr. Digvijay Nagal, Advocate. They have specifically stated that with the intervention of the close friends and neighbours a compromise has been arrived at between them. The accused-petitioner as well as complainant reside in the same locality and are neighbours. They have stated that they have no objection in acquittal of the accused-petitioner.

Admittedly, offence under Section 377 IPC is non-compoundable, which cannot be compounded and accused-petitioner cannot be acquitted merely on the basis of compromise. Since the dispute between the parties has been settled and complainant has no objection in allowing the revision petition, I am of the view that keeping in view the nature of offence and also the facts that petitioner has undergone more than ten months of actual sentence against the total sentence of three years; is facing agony of trial since lodging of the FIR i.e. 2.3.2008; is first offender and the same has not been disputed by learned State counsel as there is no other case pending against him; is the only sole bread earner of the family and has large family to support; was working as Labourer before his conviction and there is no other adult family member to support the kids. Moreover, the matter has been compromised between the parties, the present revision petition is partly allowed to the extent that while

upholding the conviction of the petitioner under Section 377 IPC, the sentence awarded to the petitioner is reduced to the period already undergone by him subject to payment of ₹ 25,000/- as compensation within a period of one month from today, which shall be deposited in a fixed deposit of aggrieved boy and the same shall not be encashed till he attains majority, failing which the petitioner would have to undergo the remainder of the sentence.

January 23, 2015
pooja

(DAYA CHAUDHARY)
JUDGE