

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

**CRR No. 3091 of 2014 (O&M)
Date of Decision: 30.01.2015**

JOGINDER SINGH AND ANOTHER Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gurvir Kaur Gill, Advocate
for the applicants-petitioners.

Mr. N. K. Chopra, DAG, Punjab.

Mr. K. K. Garg, Advocate
for respondent No.2.

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?

KULDIP SINGH J. (ORAL)

Report has been received from learned Judicial Magistrate, 1st Class, Jalalabad to the effect that he has recorded the statements of the complainant and both the accused and has reported to this Court that parties have voluntarily entered into a compromise.

This is a revision petition against the judgment and order dated 04.08.2014 passed by Learned Additional Sessions Judge, Fazilka, whereby, in the appeal against the conviction of the appellants, the learned Additional Sessions Judge held Joginder Singh-appellant to be guilty under Section 323 IPC and sentenced him to undergo rigorous imprisonment for a period of six months. However, he was acquitted from the charges under Section 326 and 324 IPC whereas the conviction

of Darshan Singh-appellant was maintained under Section 326 and he was acquitted from the charges under Section 323 and 324 IPC. Earlier, the case was tried by learned Judicial Magistrate, 1st Class, Jalalabad (West), which resulted into the conviction of the accused Joginder Singh, Bittu and Darshan Singh under Sections 326/324/323 and 34 of IPC vide judgment dated 08.10.2013.

Learned counsel for revisionist has prayed for leniency in the quantum of sentence. It has been argued that since the petitioners have compromised and accused Joginder Singh has undergone the sentence passed by the Court and has been released, therefore, she does not press the case qua Joginder Singh and withdraw the same.

Accordingly, the present revision is dismissed as withdrawn qua Joginder Singh. However, it has been argued that in view of the compromise between the parties, leniency may be shown in the sentence passed on Darshan Singh.

Keeping in view the fact that the complainant-Om Parkash/respondent No.2 has compromised the dispute with Darshan Singh-revisionist and the parties have amicably settled the dispute, therefore, the sentence of rigorous imprisonment for 3 years passed on Darshan Singh under Section 326 IPC is reduced to one year .

With this aforesaid modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

30.01.2015
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