

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

CRR-3545-2015 (O&M)

Date of Decision: December 17, 2015

Maingal Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Aman Dhir, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab.

Mr.Surajpreet Singh, Advocate
with the complainant in person.

.....

- 1. Whether Reporters of local papers 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?**

NARESH KUMAR SANGHI, J.(Oral)

CRM-38614-2015

Prayer in this application, filed under Section 482, Cr.P.C., is for placing on record the compromise, Annexure A1, and affidavit of Sukhjit Kaur, Annexure A2.

After hearing the learned counsel for the parties, documents, Annexures A1 and A2, are taken on record subject to

all just exceptions.

CRM disposed of.

CRR-3545-2015

Challenge in this criminal revision petition is to the judgment dated 28.08.2015, passed by learned Sessions Judge, Sri Muktsar Sahib, whereby the appeal filed by the petitioners challenging their conviction and sentences for the offences punishable under Sections 323, 323/34, 324, 324/34 and 452, IPC, recorded by learned Sub-Divisional Judicial Magistrate, Gidderbaha, was dismissed.

When the case came up for preliminary hearing before this Court on 21.09.2015, at that time learned counsel for the petitioners submitted that in view of the concurrent findings of both the Courts below, he did not propose to challenge the conviction of the petitioners and, as such, the notice was issued with regard to quantum of sentence only.

During pendency of the present criminal revision petition, respondent No.2/injured/complainant, Sukhjit Kaur, sorted out her dispute and effected a compromise with the petitioners. Today, Sukhjit Kaur (respondent No.2/injured/complainant) appeared before this Court and her statement on

oath was recorded separately in which she deposed that due to intervention of respectable and elderly people of the locality, she had resolved her dispute and effected a compromise with the petitioners and, as such, the substantive sentences of the petitioners could be reduced to the period already undergone by them. She was duly identified by her counsel, Mr.Surajpreet Singh, Advocate.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Though the learned counsel for the petitioners proposed not to challenge the conviction of the petitioners in view of the concurrent findings of both the Courts below but to satisfy the conscience of this Court, the material available on record has been reappraised and it is found that during trial, respondent No.2/injured/complainant, Sukhjit Kaur, had fully supported the prosecution case. Her deposition was further supported by medical evidence and the other supporting material and, as such, this Court finds that conviction of the petitioners for the offences punishable under Sections 323, 323/34, 324, 324/34 and 452, IPC, is well based. Learned counsel

for the petitioners has correctly opted not to challenge the conviction of the petitioners.

Learned counsel representing the petitioners stated at bar that at the time of dismissal of the appeal on 28.08.2015 by learned Sessions Judge, Sri Muktsar Sahib, the petitioners were taken into custody and since then they are continuously behind the bars and, as such, each petitioner has suffered incarceration for approximately three months and about twenty days. He further contends that none of the petitioners is a previous convict. Respondent No.2/injured/ complainant, Sukhjit Kaur, is thickly related with the petitioners and both the factions are residing in neighbourhood. On account of a petty issue, the quarrel had ensued in which respondent No.2/injured/complainant, Sukhjit Kaur, had received simple injuries. He further contends that in view of the totality of the facts and circumstances of the case and the period of incarceration suffered by the petitioners, their substantive sentences be reduced to the period already undergone by them. It has also been pointed out that the fine imposed by learned trial Court was deposited at the time of passing the order of sentence.

Learned counsel for the State as well as learned

counsel representing respondent No.2/injured/complainant has no objection if the substantive sentences of the petitioners are reduced to the period already undergone by them.

In view of the totality of the facts and circumstances of the case, taking into consideration the factum of compromise and the period of incarceration suffered by the petitioners, their substantive sentences for the offences punishable under Sections 323, 323/34, 324, 324/34 and 452, IPC, are reduced to the period already undergone by each petitioner. The fine imposed and the sentence passed in default is maintained.

With the above modification in the order of sentence, the present criminal revision petition is partly allowed.

Since the petitioners are in custody, therefore, they be released at once, if not required in any other case.

December 17, 2015
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(NARESH KUMAR SANGHI)
JUDGE