

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3883 of 2014 (O&M)
Date of decision: February 21, 2015

Harvinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jasmeet Ghumman, Advocate
for the petitioner.

Mr.S.S.Chandumajra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.K.S.Sodhi, Advocate
for respondents No.2 to 4.

INDERJIT SINGH, J.

Petitioner Harvinder Singh son of Swaran Singh has filed this revision petition under Section 401 Cr.P.C. against State of Punjab, Harvinder Singh son of Mohinder Singh, Jasdeep Kaur @ Pinki and Paramjit Singh respondents challenging the judgment dated 31.10.2014 passed by learned Addl. Sessions Judge, Jalandhar.

It is mainly stated in the grounds of revision that the judgment dated 31.10.2014 passed by learned Addl. Sessions Judge, Jalandhar dismissing the appeal against the conviction and sentence awarded to the petitioner while reducing the sentence to rigorous imprisonment for six months and a fine of ₹500/- from rigorous

imprisonment for one year and a fine of ₹1000/- as awarded by learned trial Court vide judgment of conviction and order of sentence dated 28.10.2010, is against the law and facts on record of the case and both the judgments need to be set aside and petitioner needs to be acquitted of the charges framed against him.

Notice of motion was issued in this case and learned State counsel as well as learned counsel for respondents No.2 to 4 appeared.

At the time of arguments, learned counsel for the petitioner only argued that compromise has been effected between the parties and prayed for lenient view in this case.

Learned counsel for respondents No.2 to 4 also stated that he has no objection if lenient view is taken as the compromise has already been effected between the parties.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the judgments passed by the Courts below are correct and as per law and the findings are based on the evidence produced before the Courts below. The oral statements of the witnesses are duly supported and corroborated by medical evidence. No illegality has been pointed out in the judgments passed by the Courts below. Furthermore, nothing has been shown at the time of arguments that the judgments are perverse or some material evidence has been misread or some material evidence has not been considered. In the revision petition, this Court is not to re-

appreciate the evidence like Court of an appeal. This Court is only to see whether the judgments passed by the Courts below are perverse or some material evidence has been misread.

As nothing has been pointed out to that effect, therefore, the concurrent findings given by the Courts below are upheld.

As the compromise has already been effected between the parties, keeping in view the nature and gravity of the offence and in view of the fact that it is a case of version and cross-version, the sentence imposed upon the petitioner is reduced to already undergone. As per the custody certificate, the petitioner has already undergone two months and 15 days of sentence including remission of eight days till 07.01.2015, which means, as of now, the custody period is about three months.

With the above-said modification in the sentence, the present petition is partly allowed.

As the revision petitioner is already on bail, therefore, his bail bonds stand discharged.

February 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE