

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 4090 of 2014 (O&M)
Date of decision: 24.2.2015

Gurjinder Gupta

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Respondent No. 2 in person.

SABINA, J.

Petitioner along with his co-accused had faced the trial qua commission of offence punishable under Section 382/34 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 140/2010, registered at Police Station Cantonment, Amritsar. During trial, co-accused Virkamjit Singh had absented and he was declared a proclaimed offender by the Trial Court. Trial Court vide judgment/order dated 1.2.2014 ordered the conviction and sentence of the petitioner under Section 382 IPC. Appeal filed by the petitioner against the said judgment/order of his conviction and sentence, was dismissed by the Appellate Court vide order dated 15.11.2014. Hence, the present petition by the petitioner.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner under

Section 382 IPC but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned counsel for the petitioner has submitted that petitioner is ready to pay ₹ 20,000/- by way of compensation to injured Rimple Sharma.

Complainant Rohit Sharma, who is the husband of injured Rimple Sharma, is present in person and has accepted the offer made by the petitioner.

Accordingly, conviction of the petitioner under Section 382 IPC is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him subject to the condition that petitioner shall deposit ₹ 20,000/- before the Trial Court within 15 days from today and the said amount be released to injured Rimple Sharma by the Trial Court, forthwith, by way of compensation. In case petitioner fails to deposit the amount of ₹ 20,000/- before the Trial Court within 15 days from today, this petition will be deemed to have been dismissed. Petitioner, who is in custody, be set at liberty forthwith, if not required in any other case subject to deposit of fine as imposed by the Trial Court, if not already deposited.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

February 24, 2015

Gurpreet