

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1607 of 2015 (O&M)

Date of decision: December 04, 2015.

Sajjan Singh

... **Appellant**

v.

State of Punjab and others

... **Respondents**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Vikas Singh, Advocate, for the appellant.

Hemant Gupta, J. (oral)

Present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by the learned Single Judge of this Court on 17.8.2015 whereby the writ petition filed by the appellant was dismissed and the order of the State Government dated 11.5.2011, directing the Municipal Council to comply with the letter dated 23.11.2010 of the State Government to take action against the present appellant within 10 days through a proper resolution, was upheld.

The facts leading to the issuance of such letter by the State Government are to the effect that the appellant was convicted for an offence under Section 307 IPC by the learned trial court on 14.8.2007. In an appeal against the said order, conviction was maintained though the sentence was

reduced. The complainant went to the Supreme Court by filing a SLP (Crl.) No.2146 of 2014. There was a settlement before the Supreme Court on 22.9.2014, which reads as under:-

“We are not inclined to interfere with the impugned order because learned counsel for respondent No.1 has made a statement that respondent No.1 is prepared to pay compensation of Rs.1,85,000/- (Rupees One Lac and Eighty Five Thousand only) to the petitioner. Learned Counsel for the petitioner states that his client is agreeable to this. We accept these statements.

Let a demand draft drawn in the name of the petitioner in the sum of Rs.1,85,000/- be brought to the Court on 17-10-2014.”

Necessary consequence of the said order is that the conviction and the sentence has not been altered, modified or changed in any manner. Once the appellant stands convicted for an offence under Section 307 IPC, the action of the State Government in directing the Municipal Council to take appropriate consequent decision cannot be said to be unjustified in the facts of the present case.

The learned Single Judge has not rightly interfered with the order of the State Government which may warrant interference in the present appeal.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

December 04, 2015.
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