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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 1267/2011

VINOD @ GULLY

.....Appellant

Through: Mr. Bhisham Singh and Mr. Satish
Sharma, Advs.

versus

STATE

.....Respondent

Through: Mr. Amit Ahalawat, APP for the State
with SI Megh Raj, P.S. Badar Pur.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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05.05.2015

The appellant has been convicted under Sections 323/341/34 IPC by the trial court and sentenced to undergo rigorous imprisonment for a period of one year with fine of ₹1,000/- and in default of payment of fine further to undergo simple imprisonment for a period of one month under Section 323 IPC; rigorous imprisonment for a period of one month with fine of ₹500/- and in default of payment of fine to undergo simple imprisonment for a period of two months under Section 341 IPC. Benefit of Section 428 Cr.P.C has been given to the appellant.

As per the prosecution, the appellant along with co-accused Navin and Ravi had beaten Ajay and Ajeet resulting simple injuries on their person. Ajay and Ajeet were examined as PW1 and PW2 respectively. Both of them are material witnesses to prove the

prosecution story. Trial court has found their testimonies trustworthy and reliable and has convicted the appellant.

As regards Navin and Ravi, they were also convicted but have been given benefit of The Probation of Offenders Act, 1958, thus, have not preferred appeal.

During the course of hearing, the appellant's counsel has given up challenge to the conviction of appellant on merits and has only prayed for reduction of sentence from one year to the period already undergone by the appellant which is about 20 days on the ground that appellant and injured have settled their disputes.

It is submitted that the appellant and injured are living in same locality and a quarrel ensued between them on a trivial matter wherein in a fit of rage, appellant had beaten the injured. The appellant and injured have amicably settled their disputes vide Compromise Deed dated 5th May, 2015, inasmuch as, the appellant has compensated the injured by paying him ₹50,000/- towards medical claims and inconvenience suffered by him.

PW2 Ajay Yadav is present in Court and confirms having arrived at an amicable settlement with the appellant. Photocopy of the Compromise Deed has also been placed on record. PW2 Ajay Yadav also confirms having received ₹50,000/- from the appellant pursuant to the settlement. He further states that he wants to maintain harmonious relations with the appellant in future since both of them are living in the same locality.

Keeping in mind that complainant/injured and appellant are living in the same locality and a quarrel ensued on trivial matter

wherein appellant caused simple injuries to injured person and now they have settled the matter, inasmuch as appellant has compensated the injured suitably, while affirming conviction of appellant under Sections 323/341/34 IPC, his sentence is reduced to the period already undergone by him.

Appeal is disposed of.

A.K. PATHAK, J

MAY 05, 2015
RB