

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

Criminal Revision No.2849 of 2010

Date of Decision: 01.12.2016

Ram Pal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Durgesh Aggarwal, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Ashok Giri, Advocate
for the complainant.

HARI PAL VERMA J. (Oral)

Petitioner – Ram Pal has filed the present revision petition against the judgment dated 17.8.2010 passed by learned Additional Sessions Judge, Kurukshetra, whereby his appeal against the judgment of conviction and sentence dated 11.7.2009 passed by Judicial Magistrate Ist Class, Kurukshetra was dismissed with modification in the order of sentence.

Vide judgment dated 11.7.2009, learned Magistrate has held the petitioner guilty for offence under Sections 323, 325 IPC and vide separate order of even date, sentenced him to undergo rigorous imprisonment for a period of six months and to pay fine of Rs.300/- under

Sections 323 IPC and to further undergo rigorous imprisonment for a period of three years and to pay fine of Rs.300/- under Sections 325 IPC and in default of payment of fine, to further undergo simple imprisonment for a period of one month.

Aggrieved from the judgment dated 11.7.2009, the petitioner filed an appeal, which was partly allowed by learned Additional Sessions Judge, Kurukshetra vide judgment dated 17.8.2010. Learned lower Appellate Court while upholding the judgment of conviction, reduced the order of sentence to the extent that the petitioner shall undergo RI for three months for offence under Section 323 IPC and to further undergo RI for one year for offence under Section 325 IPC. However, the fine imposed by the Magistrate was maintained. Both the sentences were ordered to run concurrently.

Learned counsel for the petitioner states that the petitioner and the complainant are closely related to each other, as the complainant is the real *bhabhi* of the petitioner. He further states that during the pendency of the present revision petition, the parties have arrived at a compromise with the intervention of the respectables of the family members and have amicably settled their dispute. He has produced the statement made by the complainant-Kiran Devi dated 6.10.2016 in Court to the effect that a compromise has been effected between them and she is no more interested in this revision petition. In this background, learned counsel for the petitioner, without going into the merits of the case, has confined his arguments *qua* the quantum of sentence only.

Mr. Ashok Giri, Advocate, learned counsel appearing on behalf of the complainant has also not disputed the compromise arrived at between the petitioner and the complainant.

I have heard learned counsel for the parties.

Admittedly, the parties are closely related to each other and as against the awarded sentence of one year, the petitioner has remained in custody for about 7 months, including remissions. He has suffered the incarceration for the last more than 14 years i.e. since the registration of the FIR on 19.9.2002. Therefore, this Court is of the opinion that ends of justice will be met if the sentence awarded to the petitioner is reduced to the period already undergone by him.

Accordingly, the present revision petition is dismissed. However, the sentence awarded to the petitioner is reduced to the period already undergone by him.

December 01, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No