

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3683 of 2012
DECIDED ON: MAY 17, 2016

OM PARKASH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

AND

CRR NO. 4069 OF 2012

SOHBAT RAM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

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

JASPAL SINGH, J

1. Vide this common order, I intend to dispose of two revision petitions i.e. CRR No. 3683 of 2012 preferred by Om Parkash and CRR No. 4069 of 2012, as both these revisions petitions have arisen out of common FIR.
2. Challenge in both the revision petitions is to the judgment dated October 23, 2012 passed by learned Additional Sessions Judge, Hisar, whereby judgment of conviction dated August 23, 2008 and order of sentence dated August 25, 2008 passed by Judicial Magistrate Ist Class, Hisar, in case bearing FIR No.716 dated November 17, 1998 under Sections 326, 324, 323 and 34 IPC, Police Station, Sadar, Hisar has been upheld, vide which, the accused – petitioners have been sentenced as under:-

Name of Accused	U/s	SI	Fine (₹)	In default (S.I.)
Om Parkash & Sohbat Ram	323/34 IPC	2 Months	500/-	15 days
	324/34 IPC	12 Months	1,000/-	One Month
	326/34 IPC	24 Months	2,000/-	Two Months

3. It has been *inter-alia* contended by learned counsel for the petitioner(s) that since a compromise has been arrived at in between the parties, he does not challenge the conviction on merits and only confines his relief qua quantum of sentence. He has also placed on record the copy of compromise.
4. Learned counsel for the State as well as counsel for the complainant submits that the present criminal revision petition(s) can be disposed of at this stage in view of the submission of learned counsel for the petitioner.
5. Since, learned counsel for the petitioner(s) has not disputed the order of conviction passed by learned trial Court and upheld by First Appellate Court, in view of the concurrent findings and conclusion arrived at. However, this

Court has scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

6. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner(s) are facing the agony of protracted trial since 1998. Moreover, parties to the *lis* have buried their hatchet though at a penultimate stage i.e. appellate stage. In case compromise is accepted, it would certainly create harmonious relationship in between the parties and would result into removal of bitterness or ill-will existing between the parties since long. Thus, this Court is of the view that once a matter has been compromised by the parties, no useful purpose would be served by continuing the proceedings and to decide the matter on merits. Rather it would be nothing but an abuse of process of law as well as the wastage of time of the Court as well as the parties. This court is also of the considered view that a chance be given to the petitioner(s) to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

7. Taking into consideration the above narrated discussion as well as the fact that petitioner(s) has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause.

8. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

MAY 17, 2016
sham

(JASPAL SINGH)
JUDGE