

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 234

ANKUR GOYAL
I attest to the accuracy and
authenticity of this document

Criminal Revision No.1530 of 2016(O&M)

Date of Decision: July 22, 2016

Jasbeer Singh

..... PETITIONER

VERSUS

State of Haryana and others

..... RESPONDENTS

. . .

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?

. . .

PRESENT: - Mr. Diwan S. Adalakha, Advocate, for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

Mr. Vikram Rana, Advocate, for respondents No.2 & 3.

. . .

Jaspal Singh, J.

CRM No. 16850 of 2016

This is an application moved under Section 482 Cr.P.C. for placing on record compromise (Annexure P-1), Affidavit (Annexure P-2) & Aadhaar Card (Annexure P-3) as well as exemption from filing the true typed copies of the same.

Application is allowed.

Documents are taken on record.

Criminal Revision No.1530 of 2016 (O&M)

1. The instant revision has been preferred by Jasbeer Singh challenging judgment of conviction dated April 01, 2013 and order of sentence dated April 02, 2013, passed by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, in case bearing FIR No.98 dated August 27, 2009, under Sections 279, 337, 338 IPC, Police Station Chappar. Vide judgment of conviction dated April 01, 2013 and order of sentence dated April 02, 2013, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Jasbeer Singh	279 IPC	Three months	200/-	-----
	337 IPC	Three months	100/-	-----
	338 IPC	One year	500/-	-----

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated April 12, 2016 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that matter has been compromised and counsel for the complainant and injured also submitted that private respondents do not have any objection if conviction and sentence imposed upon petitioner is set aside and orders dated April 01, 2013 and April 02, 2013 are quashed. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/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 under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. 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 is facing the agony of protracted trial for the last approximately 7 years after registration of the instant case; is a poor person; is a sole bread winner of the family; and only source for livelihood for their old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a period of three months & ten days, as is evident from custody certificate dated July 15, 2016. Besides these factors, it would be appropriate to mention here that during the pendency of the instant peititon, the parties have effected the compromise with the injured/complainant who have sworn an affidavit in this regard and has submitted that he has no objection in case the petitioner is acquitted of the charges by way of acceptance of the instant petition. But the offences, complained of are non-compoundable. However, in view of the fact that parties have amicably arrived at compromise, it is another major factor to take a lenient view in the matter of sentence. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner is hereby directed to be released forthwith.

5. With the above modification in sentence, revision petition stands dismissed.

CRM No. 13058 of 2016

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

July 22, 2016
avin/ankur

(Jaspal Singh)
Judge