

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

**Criminal Revision No.1639 of 2016 (O&M)  
Date of decision: 28.05.2016**

**Satpal**

**..Petitioner**

**Versus**

**State of Haryana and another**

**..Respondents**

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

**Present:** Mr. Pradeep Virk, Advocate  
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana  
for the respondent – State.

Ms. Prabhjot Kaur, Advocate  
for respondent No.2.

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**Daya Chaudhary, J.**

Petitioner, namely, Satpal along with one Dharmender was accused in a complaint filed by respondent No.2-Babli under Sections 323, 354, 452 and 506 read with Section 34 of Indian Penal Code (for short 'IPC') alleging therein that the accused caught hold of her with bad intention and touched her private parts.

On the basis of preliminary evidence produced by the complainant, only the petitioner was summoned to face trial for commission of offence punishable under Sections 323 and 354 IPC and no offence was made out against co-accused-Dharmender. Thereafter, the petitioner was

charge-sheeted under Sections 323 and 354 IPC vide order dated 17.12.2014. The petitioner faced trial and was convicted for commission of offence punishable under Sections 323 and 354 IPC and was sentenced to undergo RI for a period of one year and to pay fine of ₹1000/- with default clause for offence punishable under Section 354 IPC and to undergo RI for a period of six months and to pay fine of ₹500/- with default clause for offence punishable under Section 323 IPC vide judgment of conviction and order of sentence dated 07/10.08.2015 passed by Judicial Magistrate Ist Class, Gohana.

Aggrieved by said judgment and order dated 07/10.08.2015, the petitioner filed an appeal before the Additional Sessions Judge, Sonapat, which was dismissed on 08.04.2016 and judgment of conviction and order of sentence passed by the trial Court was upheld.

After losing the case before the two Courts below, the present revision petition has been filed.

Learned counsel for the petitioner submits that both the Courts below have not appreciated the evidence available on record and the prosecution has failed to prove the case beyond reasonable doubts. Moreover, there was no medical evidence to prove the injury caused to the complainant. Learned counsel further submits that there was contradiction and inconsistency in the statement of the complainant with regard to date and time. At the end, learned counsel for the petitioner submits that the petitioner has faced the agony of trial since lodging of complaint i.e., 23.03.2011 and a compromise has also been arrived at between the parties.

Learned counsel also submits that an application has also been moved for

compounding of offence under Sections 323 and 354 IPC and the affidavit

of complainant-respondent No.2 has also been placed on record in this revision petition wherein it has been stated by her that she and accused-Satpal belongs to the same family and are neighbours. She has also stated that she has no objection in compounding of offence and quashing of proceedings. Even she has no objection in acquittal of the accused. The affidavit has duly been signed by the complainant and attested by Notary, District Sonapat. Learned counsel also submits that the petitioner would be satisfied in case, his sentence is reduced to the period already undergone by him as he has undergone actual sentence of more than 1½ months against the total sentence of one year.

Learned State counsel submits that both the offences are compoundable and it is between the petitioner and complainant being a complaint case. Learned State counsel has also not disputed the custody period undergone by the petitioner.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

Admittedly, the petitioner has faced the agony of trial since lodging of complaint i.e., 23.03.2011 and now the dispute between the parties has been compromised. Complainant-respondent No.2 has given a specific affidavit stating therein that she has no objection even in case the accused is acquitted. The true translation of her affidavit is reproduced as under: -

“ Affidavit

Stated that I Babli wife of Sh. Ishwar Singh,  
an permanent resident of village Jagsi, Tehsil Gohan  
and District Sonapat and I do hereby declare and

affirm as under:

1. That my one case against Satpal son of Sh. Mangli Ram, resident of village Jagsi is pending in this Hon'ble Court under Sections 323, 354 IPC.
2. That I and the aforesaid Satpal are of the same family and neighbours. I am stating without any pressure and I have no friction with the aforesaid Satpal and the matter was compromised with sweet will.
3. That I have no objection in case offence under Sections 323, 354 IPC is compounded and I have no objection in case the aforesaid Satpal is acquitted.

Sd/-  
Deponent

Verification

Verified that the aforesaid statement is true.

Sd/-  
Deponent"

Keeping in view the limited prayer of counsel for the petitioner and by considering the affidavit given by the complainant; the fact that the petitioner is facing the agony of trial since lodging of complaint i.e., 23.03.2011; he has undergone actual sentence of more than 1½ months against total sentence of one year and no other case is pending against him, the conviction of the petitioner is upheld but his sentence is reduced to the period already undergone by him. He be released forthwith if not required in

any other case. Fine has been paid.

The revision petition is disposed of with the modification in sentence by upholding the judgment of conviction.

**28.05.2016**  
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**(DAYA CHAUDHARY)**  
**JUDGE**