

CRR No. 2854 of 2014 (O&M)
DECIDED ON: May 23, 2016

.....PETITIONERS

.....RESPONDENTS

- 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?*

Mr. K.S. Pannu, DAG, Punjab.

Mr. Ismaan, Advocate for
Mr. Gagandeep Singh Simble, Advocate
for respondents No.2 to 4.

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JASPAL SINGH, J

1. By virtue of this revision petition, petitioners have challenged the judgment dated August 11, 2014 passed by learned Additional Sessions Judge, Bathinda, whereby judgment of conviction and order of sentence dated April 27, 2013 passed by Sub Divisional Judicial Magistrate, Talwandi Sabo, District Bathinda in case bearing FIR No.134 dated December 14, 2010 under Sections

323, 325 and 34 IPC registered at Police Station, Raman has been upheld vide which accused-petitioners have been convicted and sentenced as under.

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Jaspal Singh	325 IPC	Two years	500/-	Seven days
Devinder Singh	325/34 IPC	Two years	500/-	Seven days
Jaspal Singh & Devinder Singh	323 IPC	Six months		

2. It has been *inter-alia* contended by learned counsel for the petitioners 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 further submits that petitioners are first offenders and are poor persons. They are neither required nor involved in any other case, therefore, their substantive sentence may be reduced to the period already undergone.

3. Vide order dated April 11, 2016 parties were directed to appear before learned trial Court to record their statements with regard to validity, genuineness or otherwise of compromise and to send the report, to this Court in this regard.

4. Report of learned trial Court has been received in which it has been mentioned that, a compromise has been effected between the parties is genuine and the same has been got executed out of free will and without any pressure.

5. Learned counsel for the State as well as counsel for the respondents No.2 to 4 does not dispute the factual position as stated above and on the basis of report of learned trial Court have submitted that parties have genuinely patched up the matter and have sunk their differences or ill-will.

6. After having elaborately heard learned counsel for the parties and perusal of record as well as report submitted by learned trial Court in respect of

compromise this Court is satisfied that a compromise has been arrived at between the parties and after compromise no dispute subsists between the parties.

7. 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 petitioners are facing the agony of protracted trial since 2013 and are poor persons. However, there appears to be a substance in the submissions of learned counsel for the petitioners that petitioners are first offenders; they the sole bread winner for their family; and that during trial and pendency of appeal they never misused the concession of bail/remission, which shows that they are in process of improving himself, therefore, some concession in substantive sentence can be extended to him.

8. 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 petitioners to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

9. Taking into consideration the above narrated discussion as well as the fact that petitioners have not challenged their conviction on merits, while

affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them with no change in the fine clause.

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

MAY 23, 2016
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(JASPAL SINGH)
JUDGE