

Criminal Revision No. 3483 OF 2015 (O&M)

[1]

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

Sr. No.232

Criminal Revision No. 3483 OF 2015 (O&M)
Date of decision : May 25, 2016

GIAN SINGH @ GIANA RAM

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...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. Adlakha, Advocate, for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana.

**Complainant in person with
Mr. Saurav Verma, Advocate.**

JASPAL SINGH, J

Challenge in this revision petition is to the impugned judgment of conviction and order of sentence dated March 20, 2015 & March 23, 2015 respectively, passed by Additional Chief Judicial Magistrate, Panchkula vide which the petitioner has been convicted under Section 497 IPC and sentenced to undergo for a period of one year & to pay a fine of Rs. 3000/- and in default of payment of fine, to further undergo simple

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imprisonment for a period of one month.

In criminal complaint titled “Sajjan Singh v/s Suman Devi and another” bearing No.611 of 2013, under Sections 494, 497, 323, 506, 441, 442, 447, 448, 120-B IPC.

Feeling dis-satisfied, Gian Singh @ Giana Ram preferred an appeal before the learned Additional Sessions Judge, Panchkula but that also stands dismissed vide judgment dated August 13, 2015 upholding his conviction and sentence under Section 497 IPC.

Feeling disheartened, the petitioner has approached this Court challenging his conviction and sentence awarded to the Courts below.

During the pendency of an appeal, parties to the instant petition arrived at an amicable settlement. In pursuance of which, the compromise between the petitioner and respondent No.2-complainant which has been put into black and white. The said compromise deed is Anneuxre P-1 besides it a joint affidavit has also been sworn by the petitioner as well as respondent No.2-complainant, which is also part of the file as Annexure P-2.

The respondent No.2-Sajjan Singh is also present in the Court along with his counsel Mr. Saurav Verma and they have categorically admitted the compromise as well as affidavit Annexure P-1 & P-2, respectively. Besides that, it is specifically mentioned in the compromise deed as well as affidavit that the complainant-respondent No.2 has no objection in case the matter is disposed of on the basis of the compromise. Since the petitioner has been convicted and sentenced by the trial court and

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his sentence has been upheld by the lower appellate court. After the dismissal of the appeal preferred by him, the learned Additional Sessions Judge, Panchkula vide judgment dated August 13, 2015, was taken into custody for serving out his sentence imposed upon him. As per the custody certificate available on file, the petitioner has undergone an actual sentence of five months out of the total substantive sentence of RI for one year and if the remission period is included, it comes out to six months and 14 days.

In view of the compromise arrived at between the parties and taking into consideration the other aspects discussed above, though conviction of the petitioner is upheld under Section 497 IPC. But this Court finds that there are mitigating circumstances, so far as the quantum of sentence is concerned.

Accordingly, instant petition is dismissed with modification in quantum of sentence which stands reduced to the period already undergone with no change in the fine clause, which is stated to be deposited by the petitioner.

With the aforesaid modification, the petition stands dismissed.

Copy of this order be sent to the trial court.

May 25, 2016

Ankur

(JASPAL SINGH)
JUDGE