

Criminal Revision No.2732 of 2016 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 282

Criminal Revision No.2732 of 2016 (O & M)

Date of Decision: *August 12, 2016*

DALJIT SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Karanjit Singh, Advocate, for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

Mr. J.S. Gill, Advocate, for respondent No.2.

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Jaspal Singh, J.

1. The instant revision has been preferred by Daljit Singh challenging judgment/order dated January 15, 2015, passed by the Additional Chief Judicial Magistrate, Tarn Taran, in case bearing FIR No.57, dated May 29, 2010, under Section 420 of IPC, registered at Police Station Jhabal, District Tarn Taran as well as judgment dated May 23, 2016 passed by learned Additional Sessions Judge, Tarn Taran. Vide judgment/order dated January 15, 2015, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Daljit Singh	420 IPC	02 years	1000/-	01 month

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. 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 more than 6 years & 2 months after registration of the instant case; is a poor person and sole bread winner of the family. Moreover, petitioner has already suffered incarceration for a period of 04 months and 10 days, as is evident from custody certificate dated August 12, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

4. Besides the aforementioned factors, it would be appropriate to mention here that during the pendency of the instant peititon, the parties have effected the compromise with the intervention of respectable, without any pressure. Moreover, an application bearing CRM No.23692 of 2016 has been filed under Section 320(5) Cr.P.C. read with Section 482 Cr.P.C. for

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compounding of offence, wherein it has been averred that complainant has no objection if the revision of the petitioner is accepted and the offences are compounded.

5. Learned counsel for the respondents also reiterate that complainant has received the entire amount as per the compromise arrived at between the parties.

6. As the offence complained of is non-compoundable, however, in view of the fact that parties have amicably arrived at compromise, it is a 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 for reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

7. 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.

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

CRM No.23693 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.

August 12, 2016
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(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No