

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

Criminal Revision No.4687 of 2015(O&M)
Date of Decision: February 25, 2016

Ajay Sondhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms.Rishma Verma, Advocate,
for the petitioner.

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

Ms.Jasneet Mehra, Advocate,
for the informant.

Naresh Kumar Sanghi, J.(Oral)

Challenge in this criminal revision petition is to the judgment dated 19.11.2015 passed by learned Additional Sessions Judge, Jalandhar, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 452, IPC, recorded by learned Judicial Magistrate First Class, Jalandhar, was dismissed.

Learned counsel contends that during pendency of the present criminal litigation, better sense has prevailed and the aggrieved person, Suman Sharma, has sorted out her

dispute and effected a compromise with the petitioner. She further submits that in view of the above fact, notice of motion was issued with regard to quantum of sentence only.

Learned counsel for the parties are in *unison* that the present criminal litigation can be disposed of at this stage without calling the records from the Courts below.

At the very outset, learned counsel representing the informant/complainant submits that due to intervention of the respectable and elderly people of the society, the private parties to the *lis* have resolved their dispute and effected a compromise which has been produced by her which is taken on record. The copy of the same has been supplied to learned counsel for the State.

Learned counsel for the State submits that the petitioner has undergone the substantive sentence of 05 months and 26 days and including remission, sentence undergone would be 06 months and 04 days. He further submits that in view of the fact that the petitioner has been held guilty for the offence punishable under Section 452, IPC, only, therefore, the Court may take lenient view.

Learned counsel for the petitioner submits that in view of the above, the substantive sentence of the petitioner may be reduced to the period already undergone.

Though the notice was issued with regard to quantum of sentence only but to satisfy the conscience of this Court, the whole material has been re-scanned and it is found that learned trial Court has rightly returned the verdict of guilt of the petitioner. However, there appears to be substance in the submission of learned counsel for the petitioner that in view of the allegations levelled against the petitioner and taking into consideration the factum of compromise leniency can be shown in the quantum of sentence.

In view of the totality of the facts and circumstances of the case, the substantive sentence of the petitioner is reduced to the period already undergone i.e. 06 months and 04 days as on date. Since the petitioner is confined in the jail, therefore, he be released at once if not required in any other case.

Disposed of accordingly.

February 25, 2016
seema

(Naresh Kumar Sanghi)
Judge