

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

CRR No.4856 of 2015 (O&M).
Decided on:-17.02.2016.

Ajay Kumar.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Ms. Meenakshi Singh, Advocate for
Mr. H.S. Batth, Advocate for the complainant.

HARI PAL VERMA, J. (ORAL)

Aggrieved against the judgment dated 18.11.2015 passed by learned Additional Sessions Judge, Amritsar whereby appeal against the judgment and order dated 4.7.2015 passed by learned Judicial Magistrate 1st Class, Amritsar was dismissed, the petitioner has approached this Court through the instant revision petition.

Learned Magistrate vide judgment dated 4.7.2015 has held the petitioner guilty in a case FIR No.61 dated 13.6.2012 registered at Police

Station Gate Hakima, District Amritsar for commission of offence under Sections 323, 325, 341 and 506 IPC and vide separate order of even date, sentenced him as under:

<u>Under Section</u>	<u>Sentence</u>
325 IPC	Simple imprisonment for a period of one year and a fine of Rs.500/- and in default thereof, to undergo further simple imprisonment for two days.
323 IPC	Simple imprisonment for a period of six months.
341 IPC	Simple imprisonment for a period of one month.
506 IPC	Simple imprisonment for a period of one month.

It was, however, ordered that the period of detention of convict during investigation and trial of this case shall be set off towards substantive sentence awarded to him.

The appeal preferred against the judgment of conviction and order of sentence dated 4.7.2015 was dismissed by learned appellate Court on 18.11.2015 with the modification that all the substantive sentences awarded to the petitioner shall run concurrently.

On 17.12.2015, when the present revision petition came up for hearing, the following order was passed by this Court:

“Learned counsel for the petitioner submits that keeping

in view the peculiar facts and circumstances of the case and particularly the judgment passed by the learned appellate court, he does not intend to press this petition on merits. He further submits that let the conviction of the petitioner be upheld and the present petition may be considered only for the limited purpose of extending the benefit of probation.

In view of the above, conviction of the petitioner is upheld.

Let notice of motion be issued only for the limited purpose of extending the benefit of probation, for 22.1.2016.”

Today when the case was listed for hearing, learned counsel for the parties have placed on record a compromise of even date as entered between them. As per the compromise, Kulwant Singh, who is father of the petitioner, has tendered unconditional apology on his behalf as well as on behalf of his son Ajay Kumar for the alleged injury suffered by complainant Ashok Kumar. Both the parties have also agreed that they will have no grudge against each other. As a part of the compromise, father of the petitioner has agreed to pay an amount of Rs.60,000/- to complainant Ashok Kumar, who is present in Court and is duly identified by his lawyer. He has been paid Rs.40,000/- in cash as well as a demand draft bearing No.531872 dated 4.2.2016 for an amount of Rs.20,000/-.

Learned counsel for the complainant, on instructions from her client, states that the complainant has no objection in case the sentence awarded to the petitioner is reduced to the period already undergone by him.

Having heard learned counsel for the parties and taking into consideration that during the pendency of the present revision petition, the parties have entered into a compromise, as well as in the light of the judgment of Hon'ble Delhi High Court in ***Joginder Lal Versus State 1998(3) RCR (Criminal) 192*** and of this Court in ***Yadwinder Singh Versus State of Punjab 2009(3) RCR (Criminal) 245***, the present petition is dismissed with a direction that the sentence of imprisonment awarded to the petitioner be reduced to the period already undergone by him. The petitioner-accused be released from custody, if not required in any other case.

February 17, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE