

Criminal Revision No.4024 of 2016 (O & M)

ANKUR GOYAL
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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No.4024 of 2016 (O & M)

Date of Decision: November 30, 2016

GURMAIL SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Sumeet Puri, Advocate, for the petitioner.

Mr. P.S. Paul, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision petition has been preferred by Gurmail Singh -petitioner against judgment dated October 03, 2016, passed by learned Additional Sessions Judge, Sangrur, whereby judgment of conviction and order of sentence dated March 10, 2016, passed by the Judicial Magistrate Ist Class, Sunam, in case bearing FIR No.127, dated October 11, 2010, under Section 324 of Indian Penal Code, Police Station Dirba has been upheld. The petitioner was convicted and sentenced by the trial court to undergo rigorous imprisonment for a period of two years along with fine of Rs.500/- and in default of payment of fine, to further undergo RI for one month.

2. During the pendency of the revision petition, an application vis. Criminal Miscellaneous No. 35813 of 2016 was moved asserting that parties have effected a compromise. The aforesaid application was allowed by this Court vide order dated November 29, 2016 and copy of compromise (Annexure A-1) was taken on record. It is evident from the compromise dated October 29, 2016, that with the intervention of respectable from both the sides, a compromise has been effected between the parties, after conviction of petitioner. Now, the complainant has no grievance at all. The misunderstanding between the complainant and the accused-petitioner has been peacefully settled without any fear or pressure and now there is no ill will between the parties. Further that, complainant has no objection whatsoever, if the petitioner is discharged.

3. Learned counsel for the complainant also reiterates that a compromise has been arrived at between the parties with the intervention of respectables and relatives and he has no objection, if the impugned judgment of conviction and order of sentence are set aside and accused are acquitted.

4. There are illustrative circumstances to take a merciful view in the matter. Moreover, petitioner is facing the agony of protracted trial for the last more than 06 years & 02 months after registration of the instant case and he is first offender.

5. Keeping in view the aforesaid aspects of the matter and the fact that matter has been amicably settled between the parties, this court is of the considered view that continuation of proceedings between the parties would be an abuse of process of law and present compromise is for their benefit and will bring peace & harmony between them.

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6. Though the offence complained of is non-compoundable, yet 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 to reform & improve himself; to become good responsible citizen/person; and to lead a peaceful & harmonious life.

7. Consequently, instant petition stands allowed. Impugned judgment(s)/order passed by the courts below are set aside and accused-petitioner is acquitted of the charge framed against him. The petitioner be released forthwith.

CRM No. 34319 of 2016

Since, the main petition has been decided, instant application is disposed of as having been rendered infructuous.

November 30, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No