

Criminal Revision No.4109 of 2016 (O & M)

ANKUR GOYAL
2016.12.22 11:18
I attest to the accuracy and
authenticity of this document

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No.4109 of 2016 (O & M)

Date of Decision: November 30, 2016

JAGSIR SINGH AND ANOTHER

..... PETITIONERS

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Balwinder Singh, Advocate, for the petitioners.

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

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Jagsir Singh and Lakhwinder Singh-petitioners challenging judgment of conviction and order of sentence dated March 10, 2016, passed by Judicial Magistrate Ist Class, Sunam, in case bearing FIR No.127, dated October 11, 2010, under Sections 323, 324, 325 and 34 of Indian Penal Code, Police Station Dirba as well as judgment dated October 03, 2016, passed by learned Additional Sessions Judge, Sangrur. Vide judgment of conviction and order of sentence dated March 10, 2016, they were convicted and sentenced as under:-

Criminal Revision No.4109 of 2016 (O & M)

ANKUR GOYAL
2016.12.22 11:18
I attest to the accuracy and
authenticity of this document [2]

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Jagsir Singh	323 IPC 325/34 IPC 324 IPC	One year Two years Two years	500/- 500/- 500/-	One Month One Month One Month

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Lakhwinder Singh	323/34 IPC 325 IPC 324/34 IPC	One year Two years Two years	500/- 500/- 500/-	One Month One Month One Month

Dis-satisfied with the aforesaid judgment/order, the accused – petitioners preferred an appeal which was also dismissed vide judgment dated October 03, 2016 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioners filed this revision petition.

2. During the pendency of the revision petition, an application vis. Criminal Miscellaneous No. 35802 of 2016 was moved asserting that parties have effected a compromise. The aforesaid application was allowed by this Court vide order dated November 28, 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 respectables from both the sides, a compromise has been effected between the parties, after conviction of petitioner(s) and the complainant has no grievances at all. The dispute between the complainant and the accused-petitioner(s) 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 petitioners are 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 mitigating circumstances to take a lenient view in the matter. Moreover, petitioners are facing the agony of protracted trial for the last more than 06 years & 02 months after registration of the instant case and they are first offenders.

5. Besides the aforementioned factors, it would be appropriate to mention here that during the pendency of the instant petition, the parties have effected the compromise with the intervention of respectable, without any pressure.

6. 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. Amicable settlement of the dispute between the parties, is another 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 petitioners to reform & improve themselves; to become good responsible citizens/persons; 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-petitioners are acquitted. They be released forthwith.

Criminal Revision No.4109 of 2016 (O & M)

ANKUR GOYAL
2016.12.22 11:18
I attest to the accuracy and
authenticity of this document [4]

CRM No. 34966 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