

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.546 of 2016 (O&M)

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Date of decision:15.3.2016

Sunil Kumar

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Keshav Partap Singh, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

Mr. Dhruv Gupta, Advocate for Mr. Arpandeeep Narula, Advocate for the complainant with Mr. Jasbir Singh-injured/ complainant in person.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 4.2.2016 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the appeal filed by accused-Sunil Kumar against the impugned judgment of conviction and order of sentence dated 22.1.2015 passed by learned Judicial Magistrate Ist Class, Malout, convicting the petitioner for the offences under Sections 279 and 337 IPC and sentencing him to undergo rigorous imprisonment for six months and to pay fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for fifteen days each for the offences

under Sections 279 and 337 IPC and ordering the sentences to run concurrently, has been dismissed.

At the time of preliminary hearing, learned counsel for the petitioner argued that the offence under Section 337 IPC is compoundable offence whereas offence under Section 279 IPC is though not compoundable but the Court may consider the reduction of sentence in the said case.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Dhruv Gupta, learned Advocate appearing for Mr. Arpandeeep Narula, Advocate has appeared on behalf of the complainant with Mr. Jasbir Singh-injured/complainant in person.

I have heard learned counsel for the parties as well as learned Assistant Advocate General, Punjab for the respondent-State and have gone through the record.

Today, Jasbir Singh-injured/victim is also present in person in the Court, who stated that the matter has been compromised with the present petitioner/accused and he has no objection if the sentence is reduced.

Learned counsel for the petitioner also requested for reducing the sentence imposed upon the petitioner.

The custody certificate has been filed which shows that the petitioner has already undergone about one month sentence of imprisonment out of the total sentence.

Keeping in view the facts and circumstances of the present case and the fact that the offence under Section 337 IPC is compoundable, but Section 279 IPC is non-compoundable, therefore, keeping in view the nature and gravity of the offence and in view the compromise arrived at between the parties, the sentence of the present petitioner is reduced to the sentence already undergone by him. At the time of arguments, it has been stated that the fine has already been paid.

Consequently, this criminal revision petition is partly allowed.

March 15, 2016.

(Inderjit Singh)
Judge

hsp