

Komal
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Relevant facts for the purpose of decision of this appeal; that on 18.07.2002, all the appellants, armed with Kirpan and iron rods, caused injuries to complainant Jagmohan Lal, which hit on his head and hands and that attracted Section 307 I.P.C. Complainant/ injured was medico legally examined.

After completion of investigation proceedings, challan was presented in the Court for trial.

During trial, learned Court below completed various proceedings of trial including framing of charge against the accused, recording of statements of prosecution witnesses and examination of accused under Section 313 Cr.P.C. After considering the prosecution evidence and defence evidence on record, the trial Court held the appellants guilty and convicted them for commission of offence under Sections 307, 326 and 452 of IPC on 15.09.2004.

Aggrieved of passing of judgment of conviction and order of sentence, the appellants are before this Court by way of present appeal.

At the time of arguments, learned counsel for the appellants as well as learned counsel representing the complainant/injured contended that parties have entered into a compromise with the intervention of the Panchayat and they are ready to make the statement to this effect. Accordingly, vide order dated 28.04.2017, the matter was referred back to learned trial Judge to record the statements of both the parties. In compliance of said order, District and Sessions Judge, Sangrur forwarded the report submitted by Additional Sessions Judge-I, Sangrur, who after recording the statements of the parties, reported that both the parties have entered into a compromise without any threat and coercion and the

compromise would bring peace and harmony between the parties. On perusal of the report as well as statements of the parties, this Court is satisfied that the parties have entered into compromise and have buried their hatchet, though at a penultimate stage i.e. at appellate stage. It would certainly create harmonious relationship in between the parties and would result into removal of bitterness or ill-will existing between the parties since long. This has been so held by Hon'ble Apex Court in **Ishwar Singh vs. State of Madhya Pradesh, 2009(1) R.C.R. (Criminal) 1.**

In view of the above, this Court is of the considered view that as the appellants have already undergone substantial period of sentence while remaining in custody during investigation and trial. As the matter has been compromised, so the substantive sentence awarded to the appellants is reduced to the period already undergone by them.

Resultantly, the present appeal stands partly accepted, in the above terms.

(SHEKHER DHAWAN)
JUDGE

31.05.2017.

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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No