

**CRL.MISC.NOS..11425-26 OF 2017 &
CRIMINAL REVISION NO.1277 OF 2016**

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

**CRL.MISC.NOS..11425-26 OF 2017 &
CRIMINAL REVISION NO.1277 OF 2016
DATE OF DECISION: APRIL 06, 2017**

Prem Chand

.....Petitioner

VERSUS

The State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurbir Singh, Advocate for
Mr. G.P.S.Bal, Advocate,
for the petitioner.

Mr. B. S. Bhullar, AAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CrI.Misc. No.11425 of 2017

Present application has been moved by the petitioner praying for impleading injured-complainants Satsadev Singh son of Shivakaval Singh and Satinder Singh son of Shivkol Singh as respondent Nos.2 and 3 to the present revision petition on the ground that a compromise has been entered into between the parties, because of which their impleadment is necessary for adjudication of the case. The said application is duly supported by an affidavit of the petitioner.

Notice of the application to the Advocate General, Punjab.

On the asking of the Court, Mr.B.S.Bhullar, Assistant Advocate

General, Punjab, accepts notice and states that he has no objection to the

prayer made in the application for impleading the abovesid persons as respondent Nos.2 and 3 respectively.

In view of the above, the application is allowed.

Satsadev Singh son of Shivakaval Singh and Satinder Singh son of Shivkol Singh are impleaded as respondent Nos.2 and 3. Amended memo of parties is taken on record.

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Application is allowed subject to all just exceptions.

Affidavits and aadhaar cards of injured-complainants Satsadev Singh son of Shivakaval Singh and Satinder Singh son of Shivkol Singh as also driving licence of petitioner, Annexures P-1 to P-5, respectively are taken on record.

Criminal Revision No.1277 of 2016

This revision is directed against the judgment dated 19.03.2016 passed by Additional Sessions Judge, Ludhiana, affirming the judgement of conviction and order of sentence dated 31.10.2015 passed by Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner was convicted and sentenced as under:-

<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
279 IPC	RI for six months	-	-
337 IPC	RI for six months	-	-
338 IPC	RI for six months	₹500/-	Simple imprisonment for 15 days.

All the sentences were ordered to run concurrently.

As per the counsel, the fine has been paid.

Against both the judgements and order of conviction and sentence, the petitioner has approached this Court by filing the present revision petition. Counsel submits that out of the total sentence, petitioner

has already undergone sentence of 16 days. His further contention is that during the pendency of the revision petition, with the intervention of the respectables, a compromise has been entered into between the parties (petitioner and injured Satsadev Singh and Satinder Singh, respondent Nos.2 and 3) and to support the same, he refers to the affidavits, Annexures P-1 and P-2 with the application. He, therefore, contends that the matter having been compromised between the parties and the case being of injury alone, the sentence of the petitioner be reduced to the period already undergone by him. He, thus, prays that the present revision petition may be disposed of accordingly.

So far as custody period of the petitioner is concerned, the same is fortified from the custody certificate, which has been produced by the State counsel. He contends that the judgements/order as passed by the Courts below do not call for any interference by this Court.

I have heard the learned counsel for the parties and in the light of the fact that compromise has been entered into between the parties, which fact is apparent from the affidavits of the injured-complainant Satsadev Singh and Satinder Singh (respondent Nos.2 and 3), Annexures P-1 and P-2 attached with the application and further that the injured-complainants are present in person in Court and have shown their original aadhaar cards, copies of which have been annexed with the application as Annexures P-3 and P-4 and have stated that they stood by the compromise entered into between them and do not want to pursue the matter any further, the present revision petition is disposed of by upholding the conviction of the petitioner. However, the sentence of the petitioner is reduced to the period already undergone by him.

With the above observations, the criminal revision stands
allowed partly.

April 06, 2017
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No