

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3339-2017 [O&M]
Date of Decision:- December 16, 2017

Jatin & others

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rishi Pal Rana, Advocate, for the petitioners.
Mr. Munish Dev Sharma, AAG, Haryana.

SHEKHER DHAWAN, J.

The above revision petition is directed against the judgment of conviction dated 17.11.2015 and order of sentence dated 27.11.2015 passed by learned Judicial Magistrate Ist Class, Hansi, whereby the revisionists were convicted and sentenced as under:-

Under Section	Sentence	In default
Section 323 of Indian Penal Code (for short, "I.P.C.")	to undergo Rigorous Imprisonment for six months and to pay fine of ₹500/- each.	To further undergo RI for one month
Section 325 read with Section 34 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay fine of ₹1000/-.	To further undergo RI for one month
Section 452 I.P.C	to undergo Rigorous Imprisonment for two year and to pay fine of ₹1000/-	To further undergo RI for one month
Section 506 I.P.C	to undergo Rigorous Imprisonment for one year	To further undergo RI for one month

The sentences were ordered to run concurrently.

2. The appeal filed by the revisionists was dismissed by learned Additional Sessions Judge, Hisar vide judgment dated 08.09.2017 .

3. Facts relevant for the purpose of decision of this revision petition; that process of law was set into motion by complainant – Sh. Arvind Bharti on the ground that on 15.04.2007 at about 10 PM, he was present at the Dhaba near SDM residence. On seeing him accused Jag Mohan called his son, who along with 2-3 boys came there and started beating the complainant. The complainant went to the house of Sh. Ved Parkash Sisaian to save himself and thereafter Ved Parkash rescued him from the clutches of the accused. The accused persons fled away from the spot after advancing threat of liquidating at future available opportunity.

4. After completion of investigation, challan was presented in the Court. Learned trial Judge completed various proceedings of trial, including framing of charge against the accused, recording of evidence and examining the accused under Section 313 Cr.P.C., and after considering the prosecution evidence and defence version held the present revisionists guilty and convicted and sentenced them. As mentioned above, the appeal preferred by the revisionists was dismissed by learned Additional Sessions Judge, Hisar, vide judgment dated 08.09.2017 and as such the present revision petition before this Court.

5. At the time of arguments, learned counsel for the revisionists restricted his arguments that he does not challenge the judgment of conviction dated 17.11.2015, duly upheld by the first Appellate Court, and the present revision petition be treated qua order of sentence only. The main plea raised by learned counsel for the petitioners is that the petitioners

have already undergone much agony of law by facing trial since 2015. More so, the petitioners have undergone more than two months sentence while remaining in custody. More so both the parties have settled their dispute amicably.

6. Learned counsel for the petitioners has further submitted that both the parties, with the intervention of respectable, have entered into compromise. He has placed on file compromise deed dated 09.11.2017 duly signed by the complainant, Arvind Bharti and his affidavit dated 09.11.2017 to the effect that the parties have compromised the matter. The said compromise deed and affidavit of the complainant, dated 09.11.2017, produced today in the Court, are taken on record.

7. Learned counsel representing the complainant-injured affirmed the fact that the parties have entered into a compromise and urged that if given a chance, the parties will be able to live a peaceful life.

8. As regards to revision against judgment of conviction, both the Courts below have already scanned the entire evidence available on the file including the statement of injured eye-witness, which is supported by medical evidence and there is no ground to set-aside the said findings. Taking all these factors into consideration, the present revision petition against judgment of conviction dated 17.11.2015 stands dismissed.

9. Similar matter was before the Hon`ble Division Bench of this Court in **Sube Singh and another Vs. State of Haryana and another**, **2013(4) R.C.R. (Criminal) 102** , wherein it has been observed as under:-

“(21). In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent

No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would dis-harmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Cr.P.C. after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

10. In view of the fact that the parties have settled their dispute amicably and the matter in controversy is such that the same is effecting the parties *inter se* and not against the society at large, the revision petition qua sentence part is partly allowed and the order of sentence dated 27.11.2015 passed by the Court below is modified to the extent that the substantive sentence awarded to the petitioners is reduced to the one already undergone by them while in custody.

11. The petition stands disposed of in the above terms.

December 16, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes/No
Yes/No