

CRR-3748-2017 [O&M]
Date of Decision:- December 16, 2017

.... Petitioners

Versus

.... Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Mr. H.S. Grewal, Addl. A.G. Punjab.

SHEKHER DHAWAN, J.

The above revision petition is directed against the judgment of conviction and order of sentence dated 11.12.2014 passed by learned Chief Judicial Magistrate, Bathinda, whereby the revisionists were convicted and sentenced as under:-

Under Section	Name of the convicts	Sentence	In default
Section 148 of Indian Penal Code (for short, "I.P.C.")	Jarnail Singh, Harmander Singh, Satnam Singh, Nanak Singh, Umrao Singh, Gurcharan Singh Jagdeep Kaur and Jasvir Kaur	to undergo Rigorous Imprisonment for one year each	---
Section 326 I.P.C	Satnam Singh & Jarnail Singh	to undergo Rigorous Imprisonment for three years and to pay fine of ₹1000/-.	To further undergo 15 days each.

Section 326 read with Section 149 IPC	Harmander Singh, Nanak Singh, Umrao Singh, Gurcharn Singh, Jagdeep Kaur and Jasvir Kaur	to undergo Rigorous Imprisonment for two years and to pay fine of ₹1000/- each,	To further undergo 15 days each.
Section 325 I.P.C	Jagdeep Kaur and Jasvir Kaur	to undergo Rigorous Imprisonment for two years each and to pay fine of ₹1000/- each	To further undergo 15 days each.
Section 325 read with Section 149 I.P.C	Jarnail Singh, Nanak Singh, Harmander Singh, Satnam Singh, Umrao Singh, Gurcharan Singh	to undergo Rigorous Imprisonment for two years each and to pay fine of ₹1000/- each	To further undergo 15 days each.
Section 323 IPC	Gurcharan Singh, Harmander Singh and Umrao Singh	To undergo rigorous imprisonment for six months each	---
Section 323 read with Section 149 IPC	Jarnail Singh, Satnam Singh, Nanak Singh, Jagdeep Kaur and Jasvir Kaur	To undergo rigorous imprisonment for six months each	----

The sentences were ordered to run concurrently.

2. The appeal filed by the appellants was dismissed by learned Additional Sessions Judge, Bathinda, vide judgment dated 06.09.2017 .

3. Facts relevant for the purpose of decision of this revision petition; that process of law was set into motion by complainant – Sh. Gamdoor Singh on the ground that on 13.05.2003 at about 9.00 PM, when he was irrigating his 'Khuhwali fields' from his tubewell, the accused persons reached their and started ploughing their crop sown in the disputed land. When he tried to stop them from doing so, they gave him beatings with their respective weapons. He raised 'roula'. On hearing his voice, his wife, Gurmeet Singh and Rupinder Singh came on the spot and rescued him.

Thereafter all the accused persons fled away alongwith their weapons.

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, Bathinda, vide judgment dated 06.09.2017 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 11.12.2014, 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 2004. More so, the petitioners have undergone more than two months sentence while remaining in custody.

6. During the course of hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

7. In compliance thereof, report from Chief Judicial Magistrate, has been received through District and Sessions Judge, Bathinda, with statement of parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

8. 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.

9. 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 11.12.2014 stands dismissed.

10. 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.”

11. 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 11.12.2014 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 during investigation and trial of this case.

12. 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