

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

CRM-25425-2018 in/and
CRA-S-2856-SB of 2018
Date of Decision: 06.09.2018

Ashok Kumar @ Mausam

....Appellant

Versus

State of Haryana & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Aditya Sanghi, Advocate,
for the appellant.

Mr. Yashwinder Singh, DAG, Haryana.

Ms. Radhika Sharma, Advocate,
for respondents No.2 and 3.

RAMENDRA JAIN, J. (ORAL)

On the oral request of learned counsel for the parties, main appeal, which is on the regular board of this court, is taken up for final disposal in view of compromise between the parties.

During the pendency of the instant appeal, appellant moved CRM-25425 of 2018 under Section 482 Cr.P.C. for setting aside judgment of conviction dated 09.07.2018 and order of sentence dated 11.07.2018, passed by the learned Sessions Judge, Jhajjar, holding the appellant guilty under Section 379-A IPC and sentencing him for a period of five years' rigorous imprisonment along with fine of Rs.25,000/-, on the basis of compromise dated 16.07.2018 (Annexure P-1 colly).

Consequently, the parties were directed to appear before the trial

Court/Illaq Magistrate, Jhajjar, to get their statements recorded qua

compromise and the learned Magistrate was directed to report as to whether

the compromise between the parties was genuine, without any pressure or undue influence. In response thereto, learned Sessions Judge, Jhajjar, has submitted his report vide letter No. 1357, dated 27.08.2018.

According to the report, learned Sessions Judge, Jhajjar, is satisfied that compromise entered into between the parties is genuine, voluntary, without any coercion or undue influence with their free will.

Considering the overall facts and circumstances of the case, this Court is of the view that no useful purpose would be served keeping the appellant in custody any further. More so, the compromise entered in between the parties would bring harmony in their relations. Accordingly, the impugned judgment of conviction dated 09.07.2018 qua conviction of the appellant is upheld. Consequently, the appeal of the appellant to this extent is hereby dismissed. However, in view of the above discussion, the order of sentence dated 11.07.2018 is modified to the extent that the sentence awarded to the appellant is reduced to the period already undergone, subject to payment of costs of ₹10,000/-, out of which ₹8,000/- shall be deposited with the following account:-

Account details:-	Chief Minister's Distress Relief Fund.
Account Number :-	67319948232
Bank:-	State Bank of India.
Branch:-	City Branch, Thiruvananthapuram
IFSC:-	SBIN0070028
PAN:-	AAAGD0584M
Account Type:-	Savings
SWIFT Code:	SBININBBT08

and ₹2,000/- with the Bar Council of Punjab and Haryana High Court within two weeks from today, failing which this petition shall be deemed to be dismissed.

With the observations made above, the present appeal is disposed

List on 28.09.2018, for production of receipt with regard to
deposit of aforesaid costs.

06.09.2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No