

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-793-SB-2003 (O&M)
Decided on: 02.04.2018

Ashok Kumar and another

.... Appellants

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Pardeep Kumar, Advocate, for
Mr. Vikram Singh, Advocate,
for appellant No.1.

Ms. Aditi Girdhar, Advocate,
for appellant No.2.

Mr. Sulinder Kumar, AAG, Haryana.

None for the complainant.

H.S. MADAAN, J (ORAL)

Accused Ashok Kumar, Ram Kumar, Birham Singh, Kehar Singh, Tek Singh, Madan and Sat Pal faced trial by Additional Sessions Judge (Adhoc) Karnal, who vide judgment dated 29.03.2003 acquitted accused for offences under Section 307 read with Section 149 IPC whereas accused Kehar Singh, Tek Singh, Madan and Birham Singh were acquitted for offences under under Section 325 read with Section 149, Section 324 read with Section 149, Sat Pal was acquitted of the charges for offence under Section 27 of the Arms Act, whereas accused Ashok Kumar, Ram Kumar and Birham Singh were convicted for offences under Section 325 read with section 34 IPC, Section 324 read with Section 34 IPC and Section 323 read with Section 34 IPC and vide order dated 01.04.2003, they were released on probation, whereas remaining two accused Ashok Kumar and Ram

Kumar were sentenced to undergo rigorous imprisonment for a period of two and a half years each and to pay a fine of Rs.2,000/- each, in default of payment of fine to undergo further rigorous imprisonment for one year each for offences punishable under Section 325 read with Section 34 IPC to undergo rigorous imprisonment for a period of one and a half years each and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for six months each and for offence under Section 324 read with Section 34 IPC, to undergo rigorous imprisonment for one year each and for offence under Section 323 read with Section 34 IPC. All the sentences were ordered to run concurrently.

Two accused-convicts have filed an appeal before this Court which was admitted and the appellants were ordered to continue on bail till disposal of appeal vide order dated 25.04.2003 as their sentences had been suspended and they had been granted interim bail by the trial Court. During pendency of the appeal, the matter has since been compromised between the parties. Both the appellants have appeared and stated that with the intervention of respectables, a compromise has been got effected between them and the complainant. An application for placing on record compromise has been filed alongwith affidavit of Ashok Kumar-appellant No.1. An application for compounding of offences has also been filed attaching panchayti compromise.

The complainant is also present in the Court. He admits the panchayti compromise said to have been entered between the parties. Under Section 320 Cr.P.C., offence under Section 325 IPC is compoundable, but it is not so as regards offence under Section 324 IPC. However, keeping in view the fact that parties belong to the same village and incident is of the year 1997 and after

being released on bail appellant No.1-Ashok Kumar, he is not shown to have indulged in any criminal act, nor he is shown to have previous criminal record, whereas according to custody certificate appellant No.2-Ram Kumar is shown to be involved in another criminal case, but as stated by him, he has since been acquitted in the said case. As per custody certificates submitted by the State counsel, appellant No.1-Ashok Kumar is shown to have undergone 24 days, whereas appellant No.2-Ram Kumar is shown to have undergone 27 days.

Therefore, keeping in view the facts and circumstances, I find that ends of justice shall be adequately met if while maintaining the conviction of the appellant-accused, their sentences of imprisonment is reduced to one already undergone by them in this case. It is ordered accordingly.

The appeal is accordingly disposed of.

(H.S. MADAAN)
JUDGE

02.04.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No