

**CRM No.15097 of 2018 in/and
CRR No.937 of 2008 (O&M)**

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

Sr. No.108+247

**CRM No.15097 of 2018 in/and
Criminal Revision No.937 of 2008 (O&M)
DECIDED ON: December 05, 2018**

RAM MURTI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. H.S. Maan, Advocate for
Mr. Rajinder Goyal, Advocate,
for the applicant-petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

CRM No.15097 of 2018

This is an application for placing on record compromise dated
24.11.2015 (A-1).

Notice of motion.

Mr. K.S. Sidhu, DAG, Punjab accepts the notice on behalf of
respondent No.1. Mr. V.S. Rana, Advocate, accepts the notice on behalf of
respondent No.2-complainant.

Counsel for respondent No.2 admits the factum of compromise.

The application is allowed subject to all just exceptions and

**CRM No.15097 of 2018 in/and
CRR No.937 of 2008 (O&M)**

compromise dated 24.11.2015 (A-1) is taken on record.

CRR No.937 of 2008

FIR No.110, dated 06.11.1998, under Sections 406, 419, 420, 467, 468, 471, 120-B IPC, came to be registered at Police Station Sadar, Phagwara against the petitioner-Ram Murti along with his co-accused. On presentation of challan, they were tried by the learned Judicial Magistrate 1st Class, Phagwara and vide impugned judgment dated 01.12.2006, they were convicted and sentenced as under:

Name of convicts	U/s	RI	Fine (₹)	In default
Ram Murti	419 IPC 420 IPC	01 year 02 years	500/- 2000/-	15 days (R.I.) 01 Month (R.I.)
Mehanga Ram	419/120-B IPC 420/120-B IPC	01 year 02 years	500/- 2000/-	15 days (R.I.) 01 Month (R.I.)

2. Sentences were to run concurrently.
3. Aggrieved from the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide impugned judgment dated 06.05.2008 passed by learned Sessions Judge, Kapurthala, the same was dismissed and the petitioner was taken into custody and sent to jail for undergoing the sentence. Hence, the instant revision petition before this Court.
4. Notice of motion was issued, thereupon, the instant revision petition was admitted for hearing and in the meantime, vide order dated 18.07.2008 sentence of the petitioner was suspended and he was directed to be released on bail.
5. During the pendency of instant revision petition, petitioner filed an application for getting complainant-Baldev Singh son of Piara Singh, impleaded as respondent No.2 and the said application (CRM No.32205 of

**CRM No.15097 of 2018 in/and
CRR No.937 of 2008 (O&M)**

2018) was allowed vide order dated 01.10.2018 and the complainant was ordered to be impleaded as respondent No.2.

6. Learned counsel for the petitioner submits that vide compromise dated 24.11.2015, petitioner-Ram Murti, has compromised the matter with respondent No.2-complainant and prays that instant revision petition may be disposed of by taking lenient view and that he may be sentenced to the period already undergone by him.

7. Learned counsel for respondent No.2-complainant has admitted the factum of compromise between the parties.

8. Offence under sections 419 and 420 IPC, is compoundable under Sections 320(1) & (2) of the Code of Criminal Procedure, 1973 and this court in its revisional powers under Section 320(6) of the Code may allow to compound the offence.

9. As is apparent from the record, the appeal of the petitioner was dismissed by the learned Sessions Judge, Kapurthala on 06.05.2008 since then he remained in custody till 18.07.2008 i.e. for more than two and a half months.

10. Keeping in view the factum of compromise between petitioner and respondent No.2-complainant and facts and circumstances of the case, impugned judgment of conviction and order of sentence dated 01.12.2006 passed by learned JMIC, Phagwara and as upheld by the learned Sessions Judge, Kapurthala vide impugned judgment dated 06.05.2008, is maintained. So far as sentence part is concerned, the sentence of the petitioner is reduced and he is sentenced to the period already undergone by him.

**CRM No.15097 of 2018 in/and
CRR No.937 of 2008 (O&M)**

11. With the above modification in the sentence part, instant revision petition stands disposed of. The petitioner is ordered to be set at liberty in case he is not required in any other case.
12. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

December 05, 2018
Ankur

(SUDHIR MITTAL)
JUDGE

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