

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

CRR-435-2012

Date of decision : 23.07.2018

Satbir

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jitender Dhanda, Advocate, for the petitioner.

Mr. M.D Shama, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

Pursuant to the direction passed in CRM-M-43468-2017, the Registry has listed and put up the file of this revision petition before this Court.

2 Vide judgment dated 12.08.2018, the Chief Judicial Magistrate First Class, Hisar, convicted the petitioner under Section 326 IPC and sentenced him to undergo RI for three years and to pay fine of Rs.3,000/- and in default of payment of fine, to further undergo SI for two months.

3 Against the said judgment of conviction and order of sentence, the petitioner preferred appeal and vide judgment dt. 02.12.2018, the learned Addl. Sessions Judge (Fast Track Court), Hisar, dismissed the appeal of the petitioner. Subsequently, the petitioner preferred the instant revision petition before this Court.

4 Learned counsel for the petitioner does not dispute the findings of conviction, recorded by the Courts below against the petitioner. He submits that now the parties have effected compromise and that lenient view may be taken against the petitioner.

5 Pursuant to order dated 15.01.2018 of this Court, passed in CRM-M-43468-2017, the learned Addl. Chief Judicial Magistrate, Hisar, submitted a report, whereby it has been reported that the petitioner and complainant-Suresh Kumar, have voluntarily, without any coercion or undue influence and genuinely arrived at a compromise and that now complainant-Suresh Kumar, is not interested in further prosecution of the matter against petitioner-Satbir. The factum of compromise between the parties has also not been disputed by the learned State counsel.

6 In view of the ratio of judgment of Hon'ble Supreme Court, reported as RCR (Criminal) 50 "**Puttaswamy Vs. State of Karnataka and another**", it is a fit case, where leniency in reduction of sentence awarded against the petitioner, can be shown.

7 Accordingly, keeping in view the compromise between the parties and in the interest of justice, the judgment of conviction dated 12.08.2018, passed by the Judicial Magistrate First Class, Hisar and as upheld by the learned Addl. Sessions Judge (Fast Track Court), Hisar, vide judgment dated 02.12.2011, is hereby affirmed. As far as, the order of sentence is concerned, the petitioner is sentenced to the period already undergone by him.

8 With the above modification in the order of sentence, the instant revision petition is hereby dismissed. A copy of this order be sent to the Court/successor Court of the Convicting Magistrate, Hisar, for information and compliance.

(SUDHIR MITTAL)
JUDGE

23.07.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No