

CRR No.3496 of 2013 (O&M)

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

Sr. No.227

Criminal Revision No.3496 of 2013 (O&M)
DECIDED ON: December 19, 2018

FATEH SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Subhash Chand , Advocate,
for respondent No.2-complainant.

SUDHIR MITTAL, J. (ORAL)

FIR No.128, dated 09.12.2005, under Sections 326, 323 read with Section 34 of IPC was registered at Police Station Kathunangal, District Amritsar, against the petitioner and his co-accused. On presentation of challan, the petitioner was convicted under Section 326 of Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for a period of 02 years and six months and to pay fine of Rs.1000/- and in default of payment of fine, to further undergo RI for 15 days, whereas his co-accused Kirpal Singh was acquitted.

CRR No.3496 of 2013 (O&M)

2. Aggrieved against the judgment of conviction and order of sentence dated 27.07.2011, the petitioner preferred an appeal and vide judgment dated 16.10.2013, the same was dismissed by the learned Additional Sessions Judge, Amritsar and the petitioner was ordered to be taken into custody and sent to jail for undergoing the sentence. Hence, the instant revision petition before this Court.

3. After issuance of notice of motion, instant revision petition was admitted for hearing and sentence of the petitioner was ordered to be suspended during the pendency thereof vide order dated 07.02.2017. Thereafter, the petitioner filed an application bearing CRM-36484 of 2018, seeking permission to place on record compromise dated 24.09.2018 (A-1), which was allowed vide order dated 17.10.2018.

4. Learned counsel for the petitioner submits that the parties have amicably settled their dispute and that he does not contest the judgment of conviction but his only prayer is for reduction of sentence of the petitioner to the period already undergone by him.

5. Learned counsel for respondent No.2-complainant does not dispute the factum of amicable settlement between the petitioner and respondent No.2.

6. A perusal of record, reveals that FIR in this case was registered on 09.12.2005 and judgment of conviction and sentence of the petitioner is of 27.07.2011 and after dismissal of appeal of the petitioner on 16.10.2013, he underwent his sentence till his release pursuant to the order of this Court dated 07.02.2014. Thus, the petitioner after having faced the travails of trial for about six years, also undergone his sentence for more than 04 months, as

CRR No.3496 of 2013 (O&M)

is apparent from the custody certificate dated 21.01.2014, available on record.

7. Keeping in view the fact that one of the objectives of the criminal jurisprudence, is to reform a convict and in view the amicable settlement arrived at between the petitioner and respondent No.2, period of custody already undergone by the petitioner and the facts and circumstances of the case, the impugned judgment of conviction dated 27.07.2011 passed by learned Judicial Magistrate 1st Class, Amritsar and as upheld by learned Additional Sessions Judge, Amritsar, vide impugned judgment dated 16.10.2013, is maintained. So far as sentence of the petitioner is concerned, the same is reduced and the petitioner is sentenced to the period already undergone by him.

8. With the above modification in the sentence part, instant revision petition is hereby dismissed. The petitioner is ordered to be set at liberty in case he is not required in any other case.

9. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

December 19, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No