

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

Decided on: 06.07.2018

1. CRR No.317 of 2014 (O&M)

Balwan Singh

....Petitioner

Versus

State of Haryana

....Respondent

2. CRR No.314 of 2014 (O&M)

Shakuntla Devi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Shiva Khurmi, Amicus Curiae
and Ms. Shelja Sharma, Advocate
for Mr. Rajesh Lamba, Advocate
for the petitioner (in both the revision petitions)

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Both the aforesaid criminal revision petitions have been filed challenging the judgment dated 27.03.2010 and order of sentence dated 30.03.2010, convicting the petitioner – Balwan Singh, in FIR No.258 dated 27.06.2004, registered under Sections 323, 324, 326 read with Section 34 IPC at Police Station Sadar Fatehabad, for a period of 03 years and to pay a fine of Rs.1700/- and the judgment dated 18.01.2014 passed by the lower Appellate Court/Additional Sessions Judge, Fatehabad, vide which the revision petition filed by the

petitioner – Balwan Singh was dismissed whereas the revision petition filed by the complainant – Sube Singh was allowed and the sentence of the petitioner – Shakuntla Devi was enhanced from probation to a period of 03 years rigorous imprisonment along with a fine of Rs.1700/-, was allowed.

Brief facts of the case are that both the petitioners i.e. Balwan Singh and Shakuntla Devi faced the trial in FIR No.258 dated 27.06.2004 with the allegation that on 29.06.2004, both of them attacked the complainant – Sube Singh and caused injuries to him.

The trial Court, after holding both the petitioners guilty of offences punishable under Sections 323, 324, 326 read with Section 34 IPC, convicted the petitioner – Balwan Singh for a period of 03 years rigorous imprisonment with a total fine of Rs.1700/-, however, the petitioner – Shakuntla Devi was released on probation for maintaining good conduct for a period of 01 year.

Thereafter, the petitioner – Balwan Singh filed an appeal before the Lower Appellate Court, challenging the judgment of conviction and order of sentence. The complainant – Sube Singh also filed an appeal challenging the order for releasing the petitioner – Shakuntla Devi on probation.

The Lower Appellate Court, while dismissing the appeal filed by the petitioner – Balwan Singh upholding his sentence of 03 years rigorous imprisonment with a total fine of Rs.1700/-, allowed the appeal filed by the petitioner – Sube Singh and impose a sentence of 03 years imprisonment and a fine of Rs.1700/- on co-accused/petitioner – Shakuntla Devi.

Both these criminal revision petitions have been filed challenging the aforesaid judgments.

During the pendency of the revision petitions, the sentence of both the petitioners was suspended.

As per the Custody Certificate filed in the Court, the petitioner – Balwan Singh has undergone 08 months and 24 days of total sentence including remissions and the petitioner – Shakuntla Devi has undergone 07 months and 11 days of sentence including remissions.

During the pendency of the present revision petitions, the matter was referred to the Mediation and Conciliation Centre of this Court as the parties have amicably resolved their dispute. Both the parties appeared before the Mediator and submitted a compromise dated 27.04.2018 duly signed by them and attested by the witnesses.

As per the report of the Mediator dated 27.04.2018, both the parties i.e. Balwan Singh and Shakuntla Devi, the petitioners as well as the injured/complainant – Sube Singh have appeared and have acknowledged the factum of compromise. A perusal of the report further show that the parties have entered into the compromise voluntarily of their own free will and have decided to put their litigation to an end in order to bring peace and harmony in the family.

In view of the settlement/compromise arrived at between the parties, both the counsel appearing for the petitioners as well as counsel for the State and counsel for the complainant have submitted that since the matter has been amicably settled and the parties do not want to proceed their litigation further and also in view of the judgment passed by this Court ***“Sube Singh and another vs State of Haryana***

and another”, 2013(4) RCR (Criminal) 102, the sentence awarded to the petitioners may be reduced to the period already undergone by them.

After hearing counsel for the parties, I find merit in the present revision petitions in the light of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court and in view of the report dated 27.04.2018 submitted by the Mediator and in view of **Sube Singh's case (supra)**, these revision petitions are disposed of and the sentence awarded to the petitioners – Balwan Singh and Shakuntla Devi is reduced to the period already undergone by them.

Disposed of.

06.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No