

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Criminal Revision No.4815 of 2015 (O&M)
Date of Decision: April 2nd, 2018

Baljinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Randeep Singh, Advocate
for Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This revision is directed against the judgment dated 24.11.2015 passed by Additional Sessions Judge, Gurdaspur, affirming the judgment of conviction and order of sentence dated 17.10.2014 passed by Judicial Magistrate Ist Class, Gurdaspur, whereby petitioner was convicted and sentenced as under:-

Sr. No.	Sections	Sentence
1	338 IPC	Rigorous imprisonment for one year and fine of ₹500/-, in default, to further undergo rigorous imprisonment for one month.
2	279 IPC	Rigorous imprisonment for six months.

The sentences were ordered to run concurrently.

It is the contention of learned counsel for the petitioner that in compliance of the order dated 01.08.2016 passed by this Court, whereby the matter was referred to the Mediation and Conciliation Centre of this Court, parties appeared there and a compromise/settlement was entered into between petitioner-Baljinder Singh and complainant-Ramesh Kumar. As per the compromise, an amount of ₹70,000/- was to be paid by the

petitioner to complainant-respondent No.2, Ramesh Kumar for the final

settlement, according to which he would have no objection if the present revision petition is allowed by compounding the offence and the petitioner is acquitted or the sentence is reduced to already undergone. In the said compromise dated 20.10.2016, amount of ₹70,000/- in cash was paid to the complainant by the petitioner in the presence of his counsel namely Mr. Dheeraj Mahajan and had put his signatures. Respondent No.2 as well as counsel had also signed the said document which is in the form of receipt and is a part of the compromise.

In the light of the above, petitioner's counsel prays for compounding of the offence.

Custody certificate has been filed in Court, taken on record, according to which the petitioner has already undergone more than one month of the sentence.

None has put in appearance on behalf of complainant-respondent No.2. However, in the light of the compromise dated 20.10.2016, which has been entered into between the parties, keeping in view the fact that there is a categoric recording in the statement as also in the receipt that an amount of ₹70,000/- has been received by the complainant and had undertaken to give a statement in Court, however, is not present with reference to that. In the said compromise, in para 6 (c), it has categorically been stated that the complainant has no objection in case the present revision petition is allowed by compounding the offence or acquitting or reducing the sentence of the petitioner.

In view of the above circumstances, this Court upholds the conviction of the petitioner, but his sentence is reduced to the period already undergone by him. However, the sentence of fine shall remain intact.

Revision petition stands disposed of accordingly.

April 2nd, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No