

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

CRR No.3436 of 2017 (O&M)

Date of Decision: 06.03.2018

Budh Singh

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. K.S. Kahlon, Advocate
for the applicant/petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Ranjit Singh Saini, Advocate
for respondent No.2.

H.S. Madaan, J. (Oral)

Budh Singh and his wife Jaswinder Kaur were tried by Judicial Magistrate Ist Class, Dasuya, who vide judgment dated 05.10.2015, convicted Budh Singh for offences under Sections 420 and 406 IPC and vide order of even date, sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/- and in default of payment of fine, to undergo further simple imprisonment for a period of seven days under Section 420 IPC and as regards offence under Section 406 IPC to undergo rigorous imprisonment for two years. Both the sentences were ordered to run concurrently. Vide this judgment Jaswinder Kaur was acquitted of the charges framed against her.

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Feeling dissatisfied with the said judgment of his conviction and sentence, Budh Singh had preferred an appeal to Court of Sessions, which was assigned to Additional Sessions Judge, Hoshiarpur, who vide judgment dated 13.09.2017 dismissed the appeal and accused convict was ordered to be taken into custody for serving remaining part of sentence of imprisonment.

The convict was approached this Court by way of filing of the present criminal revision petition challenging the judgments passed by the Courts below.

Notice of this petition was given to the State as well as complainant who have put in appearance.

During the pendency of the appeal, the matter has been compromised between the parties. Written compromise in that regard has been placed on file along with affidavit of the complainant. The complainant is present in the Court along with his counsel. He has admitted that the matter has been compromised between the parties and stated that he has no objection if the leniency is shown to the petitioner in the matter of sentence.

I have heard learned counsel for the petitioner, learned State Counsel as well as learned counsel for the complainant besides going through the record.

Learned counsel for the petitioner has contended that he does not challenge the judgment, passed by the Courts below, as regards the conviction part. He wants to make submissions on the point of sentence and prays that in view of the compromise having been arrived at between the parties, the sentence be reduced to the period already undergone.

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According to learned counsel for the revision petitioner, such petitioner is aged about 54 years, married, having children. He is not shown to have any previous criminal record.

As per the latest custody certificate filed by learned State counsel, petitioner Budh Singh has undergone total sentence of 04 months and 25 days. Furthermore, the amount of fine is stated to have been paid. In my view, ends of justice shall be adequately met, if the petitioner is sentenced to imprisonment already undergone by him in this case. Therefore, impugned judgments are upheld as regards the conviction part, however, with respect to the sentence portion, those are modified as mentioned supra.

It is ordered accordingly.

As mentioned in the impugned judgment passed by Judicial Magistrate Ist Class, Dasuya on 05.10.2015, the fine has been paid by the petitioner.

The criminal revision petition stands disposed of.

[H.S MADAAN]
JUDGE

March 06, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No