

CRR-3794-2017(O&M) &
CRR-3521-2017

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

(1)

CRR-3794-2017(O&M)
Date of decision:-30.1.2018

Subhash

...Petitioner

Versus

State of Haryana and another

...Respondents

(2)

CRR-3521-2017

Subhash

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Mr.S.N. Yadav, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Sumit Sangwan, Advocate
for respondent No.2.

H.S. MADAAN, J.(ORAL)

Vide this order, I propose to dispose of two criminal revision
petitions i.e. **CRR-3794-2017 and CRR-3521-2017** filed by petitioner
Subhash.

Petitioner – Subhash, an accused in FIR No.298 dated 27.8.2013 for the offences under Sections 323 and 325 IPC registered with Police Station Sadar, Dadri faced trial by Judicial Magistrate Ist Class, Charkhi Dadri on the allegations that on 14.8.2013 while complainant Sada Ram was going to his village from bus stand, Paldi and when he had reached a little ahead of the liquor vend, then Subhash along with Sumitar and Raju came from behind; that Subhash caught of the complainant from his collar and gave abuses to him besides giving a lathi blow on his right leg; that Sumitar had given a lathi blow on the left leg of complainant and Raju gave lathi blow on his left hand; that in the said quarrel bag of the complainant containing Rs.7,200/- and some documents etc. fell down. The injured was taken to hospital at Dadri, where he was medico legally examined and on the basis of his statement, formal FIR was recorded. All the accused were arrested in this case. However, Sumitar and Raju were found to be innocent, whereas only Subhash was challaned.

On conclusion of trial, he (Subhash) was acquitted by the trial Magistrate giving him benefit of doubt. However, on an appeal having been filed by the complainant, learned Additional Sessions Judge, Charkhi Dadri vide judgment dated 15.9.2017 had set aside the judgment passed by the trial Court and convicted him for the offences under Sections 323 and 325 IPC. Since the accused was not present at the time of pronouncement of judgment, it was observed that accused would be heard on the quantum of sentence as and when he is arrested by the police.

The accused/convict/petitioner had filed CRR-3521-2017

before this Court in which he was directed to surrender before the trial Court. It is stated that he has done so on 3.10.2017 and he is behind bars since then. He was sentenced by learned Additional Sessions Judge, Charkhi Dadri vide order dated 9.10.2017 as under:

Offence u/S	Imprisonment	Fine	In default of fine imprisonment
323 IPC	Rigorous imprisonment for a period of one year	-----	-----
325 IPC	Rigorous imprisonment for a period of two years	Rs.5,000/-	Simple imprisonment for a period of two months

Both the sentenced were ordered to run concurrently.

During the pendency of this revision petition, an application under Section 482 Cr.P.C. read with Section 320(2) Cr.P.C. for allowing the parties to compound the offences, in view of the compromise arrived at between them, resultantly to set aside the conviction and sentence and granting acquittal to the petitioner has been filed. The matter is said to have been compromised between the parties.

I have heard learned counsel for parties besides going through the record.

Section 320 Cr.P.C. provides that offence under Section 323 IPC can be compounded by a person to whom the hurt is caused and no permission of the Court is required for that purpose. However, offence under Section 325 IPC can be compounded by a person to whom the hurt is caused with the permission of the Court.

Section 320(6) provides that a High Court or Court of Sessions acting in exercise of its power of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this section.

It is stated that the parties belong to the same village and want to live in peace and tranquility. I am satisfied that offences have been compounded between the parties to keep peace and advance maintenance of tranquility in the society to promote harmonious relations between the members of society and it is found proper and appropriate to grant leave to compound the offences, therefore, such application is allowed. Accused/convict and complainant are permitted to compound the offences.

Resultantly, these revision petitions are allowed and judgment dated 15.9.2017 and order dated 9.10.2017 passed by learned Additional Sessions Judge, Charkhi Dadri are set aside by way of acceptance of revision petitions, as a result, petitioner is acquitted of the charge framed against him.

The petitioner, who is stated to be in custody is ordered to be released immediately, if not required in any other case.

30.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No