

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 3059 of 2018 (O&M)

Date of Decision: November 16, 2018

Satbir

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Jyotika, Advocate for
Mr. Tribhawan Singla, Advocate
for the petitioner

Mr. Deepak Grewal, DAG Haryana

Ms. Sumati Jund, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

CRM-37490-2018

This is an application for placing on record Annexures P-1 and P-2.

Notice of the application.

Learned State counsel and counsel for complainant accepts notice and
have no objection in case the application is allowed.

Accordingly, application is allowed subject to all just exceptions and
Annexures P-1 and P-2 are taken on record.

Crl. Revision No. 3059 of 2018

FIR No. 43 dated 25.05.2014 under Sections 279 and 304-A IPC was
registered against the petitioner at Police Station Babain, District Kurukshetra. On
presentation of challan, he was tried by the learned Judicial Magistrate Ist Class
Shahabad and vide judgment dated 30.11.2016, he was convicted and sentenced as
under:-

Under Section	Sentence
279 IPC	SI for three months with fine of Rs. 500/-
304-A IPC	SI for two years with fine of Rs. 1,000/-

Sentence are to run concurrently.

Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide impugned judgment dated 21.08.2018 passed by the learned Additional Sessions Judge, Kurukshetra, the same was dismissed. Hence, the present revision petition.

Notice was issued in this petition as learned counsel for the petitioner submitted that the parties have reached an amicable settlement.

Today, learned counsel for the petitioner has prayed for leniency and for reduction in the quantum of sentence on the ground that the parties have amicably settled the matter, which fact the learned counsel for the complainant has not disputed.

Custody certificate dated 15.11.2018 prepared by Sh. Subhash Chander, Deputy Superintendent, District Prison, Kurukshetra, has been filed in the Court today and the same is are taken on record.

According to this certificate, the petitioner has undergone actual custody of two months and twenty five days including remission and that there is no other criminal case pending/decided against the petitioner.

Learned counsel for the petitioner submits that the petitioner is a poor person and the only bread earner of the family.

A perusal of the record shows that the petitioner is aged about 42 years and he has already undergone protracted trial for about three years because FIR was registered against him on 25.05.2014 and date of his conviction is 30.11.2016. His appeal was dismissed and since then he has undergone actual custody of two months and twenty five days. The petitioner is not a hardened criminal and is the

first offender as is evident from the custody certificate placed on record by learned State counsel.

Keeping in view that one of the objective of the criminal jurisprudence is to reform a convict and the fact that the petitioner has undergone protracted trial for about three years, besides undergoing sentence of more than two months and in view of the amicable settlement between the parties, I feel that the petitioner has been adequately punished.

Accordingly, in view of the judgment passed by Hon'ble Supreme Court in *Utham Rajanna vs. State of U.P., 2005(11) SCC 531*, the judgment of conviction dated 30.11.2016 passed by the Chief Judicial Magistrate, Shahabad and as upheld by Additional Sessions Judge, Kurukshetra vide impugned judgment dated 21.08.2018, is affirmed. So far as order of sentence is concerned, the petitioner is sentenced to the period already undergone by him.

With the above modification in the impugned order of sentence, instant revision petition is dismissed. The petitioner be set at liberty forthwith, in case he is not required in any other case.

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

November 16, 2018

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No