

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

Sr. No.234

CRR-3088-2018 (O&M)
Date of decision : 16.11.2018

Mamo Devi and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pankaj Bali, Advocate, for the petitioners.

Mr. Satish Saini, DAG, Haryana

Mr. Parveen Sharma, Advocate, for respondent Nos.2 to 5.

SUDHIR MITTAL, J. (Oral)

FIR No. 286 dated 3.8.2012 under Sections 323, 325, 452, 506, 148 read with Section 149 IPC came to be registered at Police Station Gharaunda, against the petitioners and their co-accused Hawa Singh. On presentation of challan, they were tried by the learned JMJC, Karnal and vide impugned judgment dated 10.6.2015, they were convicted under Sections 148, 452, 323, 325 and 506 read with Section 149 IPC and were sentenced as under:-

Section(s) of I.P.C	SI	Fine	I/D of payment of fine
148, 323, 506	Six months	--	--
325	One year	Rs.300/-	Further undergo SI for 10 months
452	One year	Rs.500/-	Further undergo SI for 01 month

2. The sentences were to run concurrently.

3. Aggrieved against the judgment of conviction and order of sentence, the petitioners preferred appeal and vide impugned judgment

dated 21.7.2018 passed by the Addl. Sessions Judge, Fatehabad, the same was dismissed. Hence, the instant revision petition before this Court.

4. Notice of motion was issued inasmuch as, learned counsel for the petitioners submitted that the petitioners have amicably settled the matter with respondent Nos.2 to 5.

5. Custody certificates, prepared by Sh. Sanjay Bangar, Deputy Superintendent, District Prison, Karnal, have been filed by the learned State counsel in Court today and the same are taken on record. According to these certificates, the petitioners have undergone actual custody of 03 months and 29 days and that there is no other criminal case pending or decided against them.

6. Learned counsel for the petitioners submits that the petitioners and respondents are co-villagers. They are poor rustic villagers and in order to maintain harmony, they have amicably settled the matter and he prays for leniency and reduction of quantum of sentence of the petitioners. The factum of compromise between the parties has not been disputed by counsel for respondent Nos.2 to 5 and he has fairly acceded to the request of reduction in the quantum of sentence of the petitioners.

7. A perusal of record shows that the petitioners and respondent Nos.2 to 5 are co-villagers and FIR in question stood registered on 3.8.2012 and thereafter, the impugned judgment of conviction and order of sentence was passed on 10.6.2015. Thus, the petitioners have faced travails of trial for about 03 years. Their appeal was decided on 21.7.2018 and since then, they are undergoing their sentence.

8. Keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict and also the fact that the petitioners have amicably settled the matter with respondent Nos.2 to 5 and taking into consideration the facts and circumstances of the case, I feel that the petitioners have been adequately punished.

9. Accordingly, the impugned judgment of conviction dated 10.6.2015 passed by the JMFC, Karnal and as upheld by the Addl. Sessions Judge, Karnal vide impugned judgment dated 21.7.2018, is maintained. So far as order of sentence is concerned, their sentence is reduced to the period already undergone by them. They are ordered to be set at liberty, in case they are not required in any other case.

10. With the above modification in the order of sentence, instant revision petition is hereby dismissed.

11. A copy of this order be sent to the Court/successor Court of the convicting Magistrate, concerned, for compliance.

(SUDHIR MITTAL)
JUDGE

16.11.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No