

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 448 of 2018 (O&M)

Date of Decision: March 27, 2018

Jagwinder Singh and others

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh Gupta, Advocate for the petitioners

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. Arjun Atri, Advocate for the complainant

Sudhir Mittal, J. (Oral)

CRM-10031-2018

Application is allowed as prayed for and documents Annexures P-1 and P-2 are taken on record.

CRM-10032-2018

This application has been rendered infructuous and is dismissed as such.

Crl. Revision No. 448 of 2018

Parties have arrived at compromise dated 06.03.2018. The petitioners have been convicted under Sections 323, 325, 341, 326, 148, 149 IPC. The petitioners, complainant and the injured are all members of the same family. The dispute arose out of sale of a particular plot in which all the parties were co-sharers.

It is submitted by counsel appearing for the petitioners as well as the complainant that the matter has been amicably settled and, therefore, the compoundable offences may be permitted to be compounded and in case of non-compoundable offences the petitioners may be sentenced to the period already undergone.

Custody certificates dated 27.03.2018 prepared by Sh. Baljit Singh,

PPS Deputy Superintendent, District Jai, Sangrur have been filed in the Court today

and the same are taken on record.

According to the same, Sukhjinder Singh son of Gurcharan Singh has undergone actual custody of two months and nineteen days, Pala Singh son of Gurcharan Singh has undergone actual custody of two months and nineteen days, Jagwinder Singh son of Gurcharan Singh has undergone actual custody of two months and nineteen days and Sukhjit Singh son of Jagwinder Singh has undergone actual custody of two months and four days.

The substantive offences under Sections 323, 325 and 341 IPC are compoundable and the offence under Section 326 read with 148/149 IPC is non-compoundable.

Keeping in view the fact that the parties belong to the same family and that they have now reached a compromise, permission under Section 320(6) Cr.P.C. to compound the substantive compoundable offences is granted to the petitioners, since there is no history of their previous conviction.

In view of the above, the instant revision petition is allowed partly. The impugned judgment of conviction and order of sentence dated 23.03.2015, passed by the JMIC and judgment dated 10.01.2018 passed by the Addl. Sessions Judge, Sangrur are set aside so far as substantive offences under Sections 323, 325 and 341 IPC are concerned and the petitioners are acquitted thereunder. So far as offence under Section 326 read with Sections 148/149 IPC is concerned, the conviction of the petitioners is maintained and their sentence is modified to the effect that they are sentenced to the period already undergone by them.

March 27, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No