

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-984-2018 (O&M)

Date of decision: 19.09.2018

Manish Kumar and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Gaurav Gupta, Advocate for the petitioners.

Mr. Yashwinder Singh, DAG, Haryana.

**Mr. Gaurav Singla, Advocate for
Mr. Deepak Sonak, Advocate for respondents No. 2 and 3.**

RAMENDRA JAIN, J. (ORAL)

The instant revision has been preferred by the petitioners, namely; Manish Kumar and Narender Kumar, against judgment dated 23.02.2018 of the learned Additional Sessions Judge, Faridabad, affirming the judgment of conviction and order of sentence dated 14.09.2017 of learned Judicial Magistrate Ist Class, Faridabad, whereby they were convicted under Sections 323 and 325 IPC and sentenced as under:-

<i>Section</i>	<i>Sentence</i>
Section 323 IPC	Rigorous imprisonment for a period of six months and pay a fine of ₹500/- each. In default thereof, further undergo simple imprisonment for a period of 7 days each. Fine paid.
Section 325 IPC	Rigorous imprisonment for a period of one year and pay a fine of ₹ 1,000/- each. In default thereof, further undergo simple imprisonment for a period of 15 days each. Fine paid.

Both the sentences were ordered to run concurrently.

Learned counsel for both the parties are *ad idem* that the parties have amicably settled their dispute and respondents No. 2-complainant and 3-injured, have duly sworn-in their affidavits Annexures P-1 and P-2, respectively, in this regard.

Vide order dated 26.07.2018, parties were directed to appear before the trial Court, to get their statements recorded for compromise with a direction to the trial Court to furnish a report qua veracity of the compromise.

Consequently, parties appeared before the Judicial Magistrate Ist Class, Faridabad and got recorded their statements qua compromise on 17.08.2018. Report from the Judicial Magistrate Ist Class, Faridabad, vide letter No. 916 dated 24.08.2018, duly forwarded by learned District and Sessions Judge, Faridabad vide letter No. 20886/H.4(St.) dated 27.09.2018, has been received. According to the report of the Judicial Magistrate Ist Class, Faridabad, the parties have compromised the matter amongst themselves without any fear, coercion or inducement and that the same has been voluntarily arrived at between them.

As per custody certificates dated 25.07.2018, filed by learned State counsel, both the petitioners, namely; Manish Kumar and Narender Kumar, have already undergone, a total sentence of 21 days each including remissions, out of the maximum sentence of 1 year awarded to them.

Having considered the submissions from both sides, the impugned judgment of conviction of the trial Court dated 14.09.2017, qua the petitioners is not liable to be interfered. Accordingly, the same is upheld. The revision, to this extent, is dismissed. However, considering the

fact that the parties have amicably settled their dispute and report qua veracity of compromise has been received from the trial Court, the order of sentence of dated 14.09.2017 is modified to the extent that the sentence awarded to the petitioners is reduced to the period already undergone, subject to payment of costs of ₹10,000/-, out of which ₹4000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh; ₹1000/- with the Bar Council of Punjab and Haryana and ₹5000/- High Court Legal Services Committee, within two weeks' from today, failing which this revision shall be deemed to have been dismissed.

List on 26.10.2018, for production of receipts regarding deposit of costs.

September 19, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**