

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 242

CRM-14928-2019 in/and
Criminal Appeal No.S-1072-SB of 2009 (O & M)
Date of Decision: May 22, 2019

Varinder Singh & another

..... APPELLANTS

VERSUS

State of Punjab & another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

. . .

PRESENT: - Mr. Amit Dhawan, Advocate, for the appellants.

Ms. Amarjit Kaur Khurana, Deputy Advocate General,
Punjab, for respondent No.1.

Mr. Abhimanyu Vinayak, Advocate, for respondent
No.2.

. . .

Ajay Tewari, J (Oral)

CRM No.14928 of 2019

Prayer in this application is for fixation of instant appeal on
an actual date.

Let the main appeal be taken up today for final hearing.

Application stands disposed of.

CRA No.S-1072SB of 2009

The present appeal has been filed against judgment of
conviction and order of sentence dated 27.03.2009, whereby the appellants

have been convicted under Sections 308, 325, 324, 427, 452 IPC and sentenced to undergo rigorous imprisonment for a maximum period of 2 ½ years.

At the very outset of arguments, learned counsel for the appellants submits that the matter has been compromised between the appellants and the complainant. Statements of the parties have also been recorded to this effect. The appellants have already undergone more than one month of actual imprisonment out of total sentence of 2 ½ years.

On 24.08.2017, the following order was passed:-

“It is stated that the matter has been compromised between the parties.

Under the circumstances, the parties are directed to appear in the Court of learned Chief Judicial Magistrate, Ludhiana within 10 days from today and the Magistrate is to record the statements of the effected persons i.e. complainant and the accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The Magistrate is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by 27.9.2017.”

In compliance of the above order, report dated 22.09.2017 of Chief Judicial Magistrate, Ludhiana had been received to the effect that accused and complainant appeared before the Court on 01.09.2017 and their statements were recorded. As per the statements of the parties, they have

arrived at a compromise with their free consent, without any undue influence or coercion and no person was declared proclaimed offender.

Having gone through the matter, however, I do not deem it appropriate to allow the appeal but keeping in view the fact that matter has been settled between the parties, I am of the considered opinion that aforesaid factors would justify a reduction in the sentence. Consequently, the appeal against the conviction is dismissed but the sentence of the appellants is reduced to that which they have already undergone. The fine shall remain unchanged.

Appeal stands disposed of in the above terms.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

May 22, 2019
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(Ajay Tewari)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No