

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

Sr. No.230

**CRR-2707 of 2016 (O&M)
DECIDED ON: March 27, 2019**

SOHAN LAL

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Balwinder Singh Sudan, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted under Sections 279, 337, 338 IPC by the learned Sub Divisional Judicial Magistrate, Malout vide judgment dated 19.02.2015 and was sentenced as under:-

Offences	RI	Fine (Rs.)	In default
279 IPC	06 months	--	--
337 IPC	06 months	--	--
338 IPC	01 year	1000/-	01 month (RI)

2. Sentences were to run concurrently.

3. Aggrieved against the aforesaid judgment of conviction and order of sentence, the petitioner preferred an appeal and vide judgment dated 12.07.2016, the same was partly allowed inasmuch as judgment of conviction and order of sentence of the petitioner under Section 338 IPC was set aside and that of under Sections 279 & 337 IPC was upheld. Hence, the present revision petition has been filed.

4. Learned counsel for the petitioner submits that the complainant has reached a settlement with the petitioner as is evident from compromise dated 18.12.2014 (P-3) and thus, the petitioner may be sentenced to the period already undergone.

CRR-2707 of 2016 (O&M)

5. Despite service, none has put in appearance on behalf of the private respondents and thus, it appears that they admit the factum of compromise.

6. Custody certificate dated 26.03.2019 prepared by Sh. Sukhjinder Singh, Deputy Superintendent, District Prison, Sri Muktsar Sahib has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 03 months and 11 days and there is no other criminal case pending/decided against the petitioner.

7. Keeping in view the fact that the parties have amicably settled the matter and that the petitioner has already undergone more than half of his sentence, I am of the view that he has adequately been punished. Thus, the judgment of conviction and order of sentence dated 19.02.2015 so far as offence under sections 279, 337 IPC is concerned, passed by learned Sub Divisional Judicial Magistrate as upheld by learned Additional Sessions Judge, Sri Muktsar Sahib, vide judgment dated 12.07.2016, is affirmed. So far as the sentence part is concerned, the sentence of the petitioner is reduced and he is sentenced to the period already undergone by him.

8. With the above modification in the impugned order of sentence, the instant revision is dismissed.

9. A copy of this order be sent to the Court/Successor Court of the Convicting Judicial Magistrate concerned, for information and compliance.

March 27, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No