

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM No.16920 of 2018 in/and
C.R.R. No.1663 of 2018 (O&M)
Date of decision : 15.01.2019

Surjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Pradeep Sharma, Advocate
for the applicant-petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

Mr. Ravi Malhotra, Advocate
for the respondent/complainant.

AJAY TEWARI, J. (Oral)

Today the application bearing **CRM No.16920 of 2018** has been listed for grant of suspension of sentence of the applicant-petitioner. At the oral request of the counsel for the applicant-petitioner, the main revision is also taken up for hearing today itself. Consequently, the said application stands disposed of.

The present revision has been filed against the concurrent judgments of the courts below convicting the petitioner under Sections 326 IPC and sentencing him to undergo rigorous imprisonment of 3 years

alongwith payment of fine of Rs.5000/- and in default of payment of fine simple imprisonment for one month.

Brief facts of the case are that the petitioner on 24.8.2011 started throwing construction material, bricks and cement in the complainant's (who is mother of the petitioner) house. The complainant was sitting with her daughter who had come to her house to visit, then petitioner alongwith 2-3 boys entered to her house with knife and attacked complainant and her daughter. FIR was lodged against the petitioner. The petitioner has been convicted by the both the Courts below.

On 19.11.2018 the following order was passed :-

“Custody certificate has been filed. Same is taken on record.

The applicant-appellant is stated to be on parole.

Notice issued to the victim has not been received back served or otherwise.

Let fresh notice be issued to the victim for 15.01.2019.

Learned State counsel is also directed to inform the victim, who is none else but the sister of the applicant-appellant with regard to the pendency of the matter and also the fact as to whether she is willing to receive any compensation.”

Today the victim is present alongwith her mother who is identified by her counsel and by the Investigating officer SI Jatin Kapoor and she has stated that she has settled the dispute and have no objection if the revision petition is allowed.

Learned DAG has however pointed out that merely because the petitioner has been able to prevail upon his sister does not mean that he is not guilty of assaulting her and it is not a case where revision should be

allowed.

I find merit in this argument. Therefore petition against conviction is dismissed but I deem it appropriate to reduce the sentence to one year. Let the petitioner be now arrested within two weeks to undergo the remaining period of sentence. Ordered accordingly.

Petition stands disposed of.

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

January 15, 2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No