

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

**CRR-1869-2018 (O&M)
Date of decision: 27.11.2019**

Mohammad Imran and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Anshul Gupta, Advocate for
Mr. Saqib Ali Khan, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Sarvesh Kumar Gupta, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting aside the judgment dated 03.03.2017 and order of sentence of the even date (Annexure P-3), passed by the Judicial Magistrate First Class, Malerkotla, vide which, the petitioners were held guilty for commission of offence punishable under Section 325 read with Section 34 of the IPC and were sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation of Rs. 2,000/- each to the complainant as well as judgment dated 10.05.2018 (Annexure P-1), whereby the appeal filed preferred by the petitioners was dismissed by the lower appellate Court.

During the pendency of the present petition, noticing the fact that the parties have entered into compromise, vide order dated 27.07.2018, the case was referred to Mediation and Conciliation Centre of this Court for recording the statement of the complainant, wherein the complainant

admitted to the factum of compromise entered into between the parties and a settlement deed dated 27.07.2018 was arrived at between the parties, according to which, in order to bring harmony between the parties and to normalize the relations between the complainant and the petitioners, who are neighbours and residing in the same vicinity, the compromise has been effected and the complainant is left with no grievance. Consequently, the matter was adjourned to 13.09.2018 and the sentence of the petitioners was suspended.

Learned counsel for the petitioners submits that the total period of sentence awarded by the trial Court is one year, out of which, the petitioners have already undergone 02 months and 25 days and they are not involved in any other case. It is further submitted that the petitioners have already faced protracted trial.

Learned counsel for the petitioners further submits that he does not wish to assail the findings of the conviction recorded against the petitioners by the trial Court in case the sentence of the petitioners is reduced to the period already undergone by them.

Learned State counsel has filed custody certificates in Court today, which are taken on record. As per custody certificates, out of one years of rigorous imprisonment awarded by the trial Court, the petitioners have undergone total sentence of 02 months and 25 days and they are not involved in any other case.

In ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in

exercise of powers under Section 482 Cr.P.C., can compound the offence.

Accordingly, while upholding the aforesaid judgment of conviction dated 03.03.2017 and considering the fact that the petitioners have been convicted only under Section 325 read with Section 34 IPC, the order of sentence of the even date is modified to the extent that the same is reduced to the sentence already undergone by the petitioners.

However, the parties shall remain bound by the terms and conditions of the aforesaid settlement.

Petition stands disposed of.

27.11.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No