

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

CRR-1888-2018 (O&M)

Date of decision : 13.09.2019

Naresh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raj Kapoor Malik, Advocate for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. Vansh Malhotra, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

On 14.05.2019, notice was issued to the complainant as counsel for the petitioners had offered to pay appropriate compensation to the injured/first informant. Order dated 14.05.2019 is extracted as under:-

“Learned counsel for the petitioners contends that the petitioners have undergone actual sentence of more than 13 months out of total sentence of 2 years and the sentence be reduced to already undergone. He further submits that they are ready to pay appropriate compensation.

Keeping in view the aforesaid facts, let complainant- Ram Niwas son of Basu Ram, resident of Village Kakaut, Police Station Titram, District Kaithal, be issued notice

for 27.05.2019.

Dasti also.

A photocopy of this order be placed on the file of the other connected case. ”

Petitioners have been convicted under Sections 325, 323 read with Section 34 of the Indian Penal Code. The incident is of January, 2014. Petitioners alongwith other co-accused were convicted, hence, sentenced to undergo rigorous imprisonment for a period of 2 years and to pay a fine of ₹1500/- each accused. In appeal, judgment of the Judicial Magistrate was confirmed.

As per the custody certificate, petitioner No.1 has already undergone actual sentence of 1 year, 3 months and 10 days whereas including earned remissions, he has undergone 1 year, 5 months and 19 days. Petitioner No.2 has already undergone actual sentence of 1 year, 3 months and 25 days whereas including earned remissions, he has undergone 1 year, 6 months and 6 days. Petitioner No.3 has already undergone actual sentence of 1 year, 3 months and 15 days whereas including earned remissions, he has undergone 1 year, 5 months and 24 days. Thus, substantive part of the sentence has already been undergone.

Learned counsel for the respondent/first informant/injured has made a statement that he has no objection if the sentence is reduced to already undergone, provided the petitioners pay appropriate compensation.

Keeping in view the aforesaid facts and taking into consideration the financial capacity of both the parties, this Court is of the

view that each of the petitioners shall pay a sum of ₹20,000/- as compensation to respondent No.2 within a period of 2 months.

Learned counsel for respondent No.2 has no objection.

In view thereof, the present petition is disposed of by reducing the sentence to the period already undergone, however, this reduction of the sentence shall be subject to payment of amount of ₹20,000/- by each of the petitioner within the period aforesaid.

In view of the above, the petitioners shall be released forthwith.

13.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No