

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.221

Criminal Revision No.2892 of 2018 (O&M)
DECIDED ON: February 22, 2019

RAKESH @ ROKI

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Ms. Kamlesh, Advocate for
Mr. Rakesh Gupta, Advocate,
for respondent No.2-complainant.

SUDHIR MITTAL, J. (ORAL)

FIR No.145, dated 30.03.2014, under Sections 323, 324, 326
IPC, was registered at Police Station Gharaunda, District Karnal against the
petitioner. On presentation of challan and completion of trial, the petitioner
was convicted under Sections 323, 324, 326 IPC and was sentenced as
under:-

U/s	SI	Fine (₹)	In default
323 IPC	03 months	--	--
324 IPC	06 months	--	--
326 IPC	02 years	1000/-	--

2. Sentences were to run concurrently.

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3. Feeling aggrieved against the impugned judgment of conviction and order of sentence dated 02.02.2016, the petitioner preferred an appeal and vide judgment dated 18.08.2018, the same was dismissed by learned Additional Sessions Judge, Karnal and he was ordered to be taken into custody and sent to jail for undergoing the sentence. Hence, the instant revision petition before this Court.

4. Notice of motion was issued inasmuch as learned counsel for the petitioner contended that the parties have reached an amicable settlement by drawing the attention of the Court towards the compromise (P-1). Today learned counsel for the petitioner has not contested the matter on merits and prayed that in view of the compromise between the parties, sentence of the petitioner may be suitably reduced.

5. Factum of amicable settlement between the parties vide compromise P-1, has been admitted by learned counsel for respondent No.2/complainant.

6. A perusal of the custody certificate dated 27.12.2018 prepared by Sh. Sanjay Bangar, Deputy Superintendent, District Prison, Karnal, Haryana shows that as on 27.12.2018 the petitioner has undergone sentence of about 04 months and 16 days, including remission and no other case, is pending or decided against him.

7. A perusal of compromise Exhibit P-1 shows that the parties belong to the same village and now they have amicably settled their rancour against each other and have decided to live with peace and tranquility in the village.

8. FIR against the petitioner was registered on 30.03.2014 and judgment of conviction and order of sentence of the petitioner is 02.02.2016.

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His appeal was dismissed on 18.08.2018 and since then he has been in custody. It appears that a petty quarrel between common villagers emanated into the occurrence in question. Thus, keeping in view the facts and circumstances of the case, and the fact that the parties have amicably settled their grievance against each other, in order to enable them to leave with peace and tranquility, in my opinion, the ends of justice would suitably be served in case lenient view in the quantum of sentence is taken against the petitioner.

9. In view of above and the fact that one of the objectives of the criminal jurisprudence is to reform a convict, I am of the view that the petitioner has been adequately punished. Accordingly, the impugned judgment of conviction and order of sentence dated 02.02.2016, passed by learned Judicial Magistrate 1st Class, Karnal and as upheld by learned Additional Sessions Judge, Karnal, vide impugned judgment dated 18.08.2018, is maintained. So far as the order of sentence is concerned, the same is reduced and petitioner-Rakesh @ Roki is sentenced to the period already undergone by him. He is ordered to be set at liberty, in case he is not required in any other case.

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

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

February 22, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No