

CRR-3850 of 2018 (O&M)

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

CRR-3850 of 2018 (O&M)
Date of Decision: 22.01.2019

Satpal

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Chand Ram Olla, Advocate, for the applicant.
Mr. Munish Sharma, AAG, Haryana.
Mr. J.S. Thind, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

CRM-724 of 2019

Through this application under Section 482 Cr.P.C. prayer has been made for placing on record affidavit of respondent No.2 and custody certificate as Annexures A-1 and A-2, respectively.

For the reasons mentioned in the application, same is allowed.
Annexures A-1 and A-2 are taken on record.

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Through instant revision, petitioner has laid challenge to judgment dated 04.10.2018 of the First Appellate Court, affirming the judgment of conviction dated 09.09.2015 and order of sentence dated 10.09.2015 of the trial Court holding guilty and sentencing him to undergo simple imprisonment for three months and pay fine of ₹500/- under Section 279 IPC, simple imprisonment for six months and pay fine of ₹1,000/-

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under Section 338 IPC, in default thereof to undergo simple imprisonment for one month under both the Sections.

Petitioner has filed CRM-2611 of 2019 for compounding of offence with the permission of Court. Respondent No.2 has got recorded her statement in Court that she has no objection in case the petitioner is permitted to compound the offence. Since offence under Section 338 IPC is compoundable, therefore, petitioner is permitted to compound the same.

Learned counsel for the petitioner states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than seven years and it should be a sufficient mitigating circumstance to treat him leniently. Counsel for the petitioner has further submitted that the complaint pertains to the year 2008 and since then a period of more than seven years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further contends that the petitioner has already undergone more than eleven months (more than one year including remission).

In view of compromise between the parties, this Court is of the view that no useful purpose will be served by keeping the petitioner behind bars further as the petitioner faced ordeal for more than 7½ years. It is a fit case wherein sentence awarded to the petitioner under Section 279 IPC can be reduced to already undergone, subject to deposit of costs of ₹5,000/- with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical

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Education and Research (PGIMER), Chandigarh. Ordered accordingly. The impugned judgments of conviction u/s 279 IPC stand affirmed with aforesaid modification. It goes without saying that if the costs are not deposited, the petitioner will serve the remaining part of sentence.

With the observations made above, present revision petition as well as application is disposed of with a direction that the petitioner be released immediately, if not required in any other case.

January 22, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No