

CRR-2854 of 2017 (O&M)

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

CRR-2854 of 2017 (O&M)
Date of Decision: 14.03.2019

Gurmeet Singh alias Meeta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. B.S. Bhalla, Advocate, for the petitioner.
Mr. Davinder Bir Singh, DAG, Punjab.
Mr. Gurminder Singh Phul, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through instant revision, petitioner-convict has laid challenge to judgment dated 25.07.2017 of the Appellate Court, affirming the judgment of conviction and order of sentence dated 19.10.2015 of the trial Court holding guilty and sentencing the petitioner to undergo rigorous imprisonment for one year and pay fine of ₹5,000/- under Section 304-A IPC, in default of payment of fine to further undergo rigorous imprisonment for 30 days and to undergo rigorous imprisonment for six months under Section 279 IPC.

Vide order dated 04.12.2018, in view of submission of learned counsel for the petitioner and the complainant that matter has been compromised, parties were directed to appear before the trial Court/Illaq Magistrate to make statements qua compromise.

Pursuant to order dated 04.12.2018, the parties appeared before the trial Court on 23.01.2019 to get their statements recorded. Learned Chief Judicial Magistrate, Moga, has submitted his report vide letter

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bearing No.108 dated 25.01.2019 duly forwarded by learned District and Sessions Judge, Moga, vide Endst. No.391/EB dated 29.01.2019.

According to the report, learned Chief Judicial Magistrate, Moga, is satisfied that compromise arrived at between the parties is genuine, without any pressure or undue influence and no accused was declared as proclaimed offender.

Learned counsel for the petitioner states that he is not pressing this revision on merit qua conviction of the petitioner by the trial Court and upheld in appeal. However, he prays for reduction in the sentence of the petitioner in view of his compromise with the complainant, and that this criminal trial is hanging on his head like damocle's sword for about ten years, which is a sufficient mitigating circumstance to treat him leniently. Petitioner has already deposited the fine amount. Out of total sentence of one year, he has already undergone sentence for two months and four days.

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 has already faced ordeal for about ten years. Therefore, maintaining the conviction of the petitioner, his sentence is reduced to the already undergone.

With the above modification in sentence part, present revision petition is disposed of.

March 14, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No