

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 593 of 2006 (O&M)

Date of decision : 22.1.2020

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Nafa and others

.....Petitioners

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Hardeep Singh Kasan, Advocate
for the petitioners.

Mr. Kuldeep Sharma, Deputy Advocate General,
Haryana.

Mr. G.S. Duhan, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

Kiru Ram, Nafa, Ranjana, Khazana, Bhanu @ Jai Bhagwan, Jagdish son of Kiru Ram (wrongly mentioned in challan as Jagdish son of Telu Ram), Chandi Ram, Birbal and Ram Singh, faced trial by Judicial Magistrate Ist Class, Kaithal, in FIR No. 215 dated 26.8.1994, for offences under Sections 325, 323, 147, 148 IPC, registered at Police Station Sadar Kaithal.

Briefly stated, facts of the case as per the prosecution version are that the criminal machinery in this case was set into motion by complainant Het Ram resident of village Padla, who in his statement to the police stated that he had been working as a Labourer-cum-agriculturist and on that day i.e. 24.8.1994, at about 3.00 P.M., he

was standing near his bullock-cart. Then Kiru with the help of co-accused Khazana, Ranjha and Ram Singh tried to remove the gate of *chopal* opening towards shamlat land, as he had tried to do on the previous day also. Complainant dissuaded him from doing so. Then such persons started throwing brick bats on him. As a result, he suffered injuries on various parts of his body. In the meanwhile, Kartara, Satyawan, Ramji Lal, Bheera, Pala Ram and Bhira Ram etc. came to the spot. They also sustained injuries at the hands of the accused and persons who had joined them. In retaliation, they also threw brick bats.

On completion of trial, learned Magistrate, vide judgment dated 15.3.2002, observed that prosecution had been able to prove beyond doubt that on 24.8.1994, at about 3.00 P.M., in the area of village Padla, all the accused armed with deadly weapons by forming unlawful assembly used force and violence against the complainant party and caused simple injuries to the prosecution witnesses namely, Satyawan, Bhira son of Kartara, Bhira son of Lal Chand, Pala Ram, Het Ram and also caused grievous injuries to prosecution witnesses namely, Bhira son of Kartara and Satyawan with blunt weapons, in order to achieve their common object, as such they were convicted for offences under Section 148, 323, 325 IPC read with Section 149 IPC. Vide order dated 18.3.2002, accused convicts Kiru Ram and Ram Singh were ordered to be released on probation of good conduct on their furnishing personal probation bonds in the sum of Rs.10,000/- with one surety each in the like amount, operative for six months, undertaking to keep peace and be of a good behaviour during that

period. In default thereof, to appear in the Court to receive their sentence. They were burdened to pay Rs.3,000/- as costs. Whereas remaining accused Nafa Singh, Ranjha, Khazana, Bhanu @ Jai Bhagwan, Jagdish, Chandi Ram and Birbal were sentenced as follows :-

<i>Under Section</i>	<i>Sentence</i>
U/s 148 IPC	Rigorous imprisonment for six months and to pay a fine of Rs.1400/- (Rs.200/- each). In default, to further undergo rigorous imprisonment for two weeks.
U/s 323/149 IPC	Rigorous imprisonment for three months and to pay a fine of Rs.700/- (Rs.100/- each). In default, to further undergo rigorous imprisonment for one week.
U/s 325/149 IPC	Rigorous imprisonment for one year and to pay a fine of Rs.2800/- (Rs.400/- each). In default, to further undergo rigorous imprisonment for four weeks.

All the substantive sentences were ordered to run concurrently.

Such accused convicts who had been sentenced, had preferred an appeal before the Court of Sessions, which was dismissed by learned Additional Sessions Judge, Kaithal, vide judgment dated 1.3.2006. Still feeling aggrieved, they have approached this Court by way of filing the present revision petition, notice of which was given to the State.

I have heard, learned counsel for the revisionists- accused convicts, learned State counsel, learned counsel for the complainant, besides going through the record.

During the pendency of the present petition, the parties have compromised the matter. An application in that regard has been filed

in the Court alongwith affidavits of the accused convicts, as well as the injured. Copy of written compromise has also been placed on the record.

Learned counsel appearing for the complainant admits the factum of compromise between the parties.

Section 320 Cr.P.C. provides that offences under Section 323 IPC can be compounded by a person to whom the hurt is caused. Whereas offence under Section 325 IPC can be compounded by the injured person, however, permission of court is required for that purpose. Of course Section 148 and 149 IPC are to go with substantive offences. Sub-Section 6 of Section 320 Cr.P.C. provides that High Court or Court of Sessions, acting in the exercise of its power of revision under Section 401, may allow any person to compound any offence with such person, competent to compound under this Section.

Keeping in view the fact that the parties belong to the same village and to promote peace and harmony between them and to avoid any bitterness, it would be proper and appropriate if permission to compound the offences is granted. By doing so, the revision petition is accepted, the judgments of conviction and sentence passed against the revisionists by the courts below are set aside and they are acquitted of the charge framed against them.

(H.S. Madaan)
Judge

22.1.2020
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No