

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106) CRM-30568-2021 in/and
CRR-1021-2021
Date of Decision : September 20, 2021

Akash .. Petitioner

Versus

Yashpal .. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Anu Bala Garg, Advocate, for the applicant-petitioner.

Mr. V.P. Sangwan, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-30568-2021

Present application has been filed for condonation of delay of 67 days in filing the present criminal revision petition.

Notice of motion.

Mr. V.P. Sangwan, Advocate, who has joined the proceedings through video conference, accepts notice on behalf of respondent-complainant.

Learned counsel for the applicant-petitioner submits that the parties have already compromised the matter and the applicant-petitioner has already discharged his liability to the satisfaction of the respondent and therefore, the delay in filing the present criminal revision petition may kindly be condoned.

Learned counsel for the respondent raises no objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, the same is allowed and delay of 67 days in filing the present criminal revision petition, is condoned.

CRR-1021-2021

Learned counsel for the petitioner submits that the parties have already compromised their dispute vide compromise dated 12.08.2021 (Annexure P-4) and the petitioner has already discharged his liability to the satisfaction of the respondent-complainant and therefore, as the offence is compoundable, the benefit of the compounding of the offence may kindly be extended to the petitioner.

Learned counsel appearing on behalf of the respondent-complainant does not dispute the execution of the said compromise between the parties, a copy of which has been appended as Annexure P-4 with this revision petition. Learned counsel for the respondent-complainant concedes that the petitioner has already discharged his liability to the satisfaction of the respondent-complainant and he does not have any objection in case, the offence for which the petitioner has been convicted, is compounded.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per Section 320(6) of the Cr.P.C, the High Court or the Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence. In the present case, it is not disputed by the respondent-complainant that the offence, for which, the petitioner has been charged and

convicted is compoundable. Once, the parties have amicably resolved their dispute and the respondent has already stated before this Court that the petitioner has discharged his liability to the satisfaction of the respondent-complainant and the learned Counsel appearing for the respondent raises no objection to the prayer of the petitioner for compounding the offence, it is a fit case, where this Court needs to exercise the jurisdiction of compounding of offence.

Accordingly, keeping in view the facts and circumstances noticed hereinbefore, the present revision petition is accepted and the offence, for which the petitioner is charged, is compounded and the judgment dated 21.07.2018 passed by the Judicial Magistrate 1st Class, Bathinda and judgment dated 10.10.2019 passed by the Additional Sessions Judge, Bathinda are set aside and the accused is ordered to be acquitted.

The above order, will be subject to the payment of Rs.10000/- as costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9- C, Chandigarh by the petitioner.

September 20, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No