

In the High Court of Punjab and Haryana at Chandigarh

1. CRA-S-1807-SB-2014 (O&M)
Date of Decision: 22.9.2023

Subhash and anotherAppellants

Versus

State of Haryana and othersRespondents

2. CRR No. 1964 of 2014 (O&M)

SudamaPetitioner

Versus

Subhash and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.S.Brar, Advocate
for the appellants (in CRA-S-1807-SB-2014).

Mr. Pardeep Prakash Chahar, Sr. DAG, Haryana.

Mr. Rajveer Singh Brar, Advocate for
Mr. G.S.Simble, Advocate
for respondents No. 2 and 3 (in CRA-S-1807-SB-2014).
and for the petitioner (in CRR-1964-2014).

SURESHWAR THAKUR, J. (ORAL)

1. Since both the above appeal as well as the criminal revision petition arise from a common verdict, as, made by the learned trial Judge concerned, thus both are amenable for a common verdict being made thereons.

2. The learned Sessions Judge, Kaithal, through a verdict drawn on 12.3.2014, upon Sessions Case No. 18 of 2012, thus recorded a finding of conviction against the appellants-convicts, for the commission of offences punishable under Sections 307, 323, 34 of the IPC. Moreover, through a

separate sentencing order, drawn on 13.3.2014, the learned trial Judge concerned, sentenced both the accused-appellants in the hereinafter extracted manner:-

<i>Name of convicts</i>	<i>Under Section</i>	<i>Rigorous imprisonment</i>	<i>Fine</i>	<i>Sentence in default of payment of fine</i>
Subhash and Sandeep	307/34 IPC	Four years each	Rs. 50,000/- each	R.I. for one month each
Subhash and Sandeep	323/34 IPC	Six months each	Rs. 500/- each	R.I. for 15 days each

3. Both the sentences were ordered to run concurrently.
4. The Criminal Appeal (supra), is directed by the appellants-convicts against the verdict (supra) of conviction, as also against the consequent thereto sentences (supra), as became imposed upon them.
5. On the other hand, the Criminal Revision (supra) has been instituted before this Court, at the instance of the victim-complainant, whereby he seeks enhancement of the terms of the substantive sentence of imprisonment, imposed upon the appellants-convicts, thus to a higher term.
6. Be that as it may, during the pendency of the instant appeal as well as the revision petition, an application was moved before this Court at the instance of the victim concerned, as also at the instance of the appellants-convicts, whereby they evinced their readiness, and, willingness to compromise the penal occurrence, as embodied in FIR No. 151 of 26.9.2011, registered at Police Station Rajound.
7. On the said application, this Court had, on 7.7.2023, made the hereinafter directions.

1. Today the learned counsels drew the attention of this Court to application bearing No.CRM-10791-2022 supported

by an affidavit sworn by the deponent, disclosing therein that during the pendency of the instant appeal and revision before this Court, a compromise has occurred amongst all concerned. Therefore, all concerned, are directed to record their personal appearance(s) on 24.07.2023 before the learned Illaqa Magistrate concerned. On the said date all concerned, shall make a statement before the learned Illaqa Magistrate concerned, not only with respect to the authenticity of the drawing of the said compromise, but also with respect to the same being drawn consensually.

2. For awaiting the report of the Illaqa Magistrate, the matter be listed on 11.08.2023.”

8. In terms of the order (supra), as became made by this Court, the learned Illaqa Magistrate concerned, has despatched to this Court, the respectively made statements by the victim/injured, the complainant, as well as by the appellants-convicts.

9. A reading of the said testifications, made before the learned Illaqa Magistrate concerned, reveals, that they are ready, and, willing to compound the penal offences, as arising from the commission of offence (supra), as embodied in the FIR (supra). Therefore, for ensuring that amicability prevails amongst the convicts, and, the victim/complainant, who are stated to be brothers, this Court proceeds to, in terms of the directions made by the Hon’ble Apex Court in the case of ***Gian Singh versus State of Punjab and another 2012(4) RCR (Criminal) 543*** accept the plea for composition of the offences, as arising from the commission of offence (supra).

10. Consequently, CRA-S-1807-SB-2014, directed against the impugned verdict of conviction, and, consequent therewith sentences (supra), is allowed. The verdict of conviction, and, consequent therewith

sentences (supra), as became imposed, upon the appellants-convicts, are quashed, and, set aside. The appellants, if in custody, be set at liberty forthwith. The personal, and, surety bonds, as furnished by the appellants are ordered to be forthwith cancelled, and, discharged.

11. In addition, Criminal Revision No. 1964 of 2014, whereby the complainant seeks the enhancement of the terms of the substantive sentences of imprisonment, imposed upon the convicts, through the sentencing order, recorded on 13.3.2014, thus thereby becomes rendered infructuous, and, is disposed of as such.

12. The case property, if any, be dealt with, in accordance with law.

13. Records be sent down forthwith.

14. The miscellaneous application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

September 22, 2023
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No