

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision : 21.11.2023

1. CRA-S-2906-SB-2016 (O&M)

Virender and Another.Appellants

VERSUS

State of Haryana and AnotherRespondents

2. CRM-A-1852-MA-2016 (O&M)

Pramod KumarAppellants

VERSUS

Hukam Chand and OthersRespondents

CORAM : HON’BLE MR. JUSTICE SURESHWAR THAKUR
HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Arihant Jain, Advocate for the appellants.

Mr. Saurabh Mago, DAG Haryana.

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SURESHWAR THAKUR, J. (Oral)

1. In compliance of order dated 20.04.2023, a report from the Trial Court concerned has been received and the same is taken on record.
2. Criminal Appeal bearing No. CRA-S-1852-SB-2016 is directed by the aggrieved from the verdict of acquittal made by the Trial Judge, concerned, upon, Sessions Case No. 16 of 2013, whereas, CRA-S-2906-SB-2016 is directed by the aggrieved against the verdict of conviction and

consequent thereto, substantive sentences of imprisonment and of fine compensation as became imposed by the convicting Court concerned.

3. The verdict of conviction has been made in respect of offences punishable under Sections 148, 452, 323, 324, 325, 307, 506 read with Section 149 of the Indian Penal Code, 1860.

4. However, during the pendency of the appeal, before this Court an application bearing No. CRM-A-1852-MA-2016, has been filed before this Court thus seeking relief for thus this Court, making an order for compounding the offences (supra) besides with a prayer that in consequence thereof, the impugned verdict of conviction be quashed and set aside.

5. Moreover, a prayer is also made in the application, by the victim aggrieved, that he may be thus permitted to withdraw the Criminal Appeal No.1852-MA-2016, seeking leave by this Court to, make an appeal against the verdict of acquittal (supra), pronounced by the learned Trial Court, on 29.07.2016, upon, Sessions Case No.16 of 2013.

6. This Court had on the previous date, directed the learned Trial Court, to make a report, before this Court whether, viz a viz the accused convicts, as well as the victims/complainants rather appearing before the learned Trial Judge concerned, and whether in the said proceedings, they made statements that the compromise, if any, drawn amongst the parties, became so drawn without any coercion or undue pressure.

7. In pursuance to the said directions, the report of the learned Trial Judge concerned, has been received. A perusal of the report reveals, that a compromise has been compositely drawn besides also reveals, that the said compromise has been voluntarily entered into, by both the accused/convicts as well as by the aggrieved victim.

8. Though, one of the offences in respect of thereof, a verdict of conviction has been drawn by the learned Trial Court concerned, is embodied, in Section 325 IPC, resultantly, when in sequel of a Barcha blow being delivered on the head of the victim, the said injury does naturally become a grievous injury. However, since the assault made by the accused concerned, on a vital portion, of the body of the victim has resulted in a verdict of conviction becoming passed by the learned Trial Judge, concerned. Moreover, when the application bearing No. CRM-A-1852-MA-2016 seeking leave to appeal to the victim concerned, against the verdict of acquittal (*supra*) is assayed to be compounded/withdrawn. Therefore, irrespective of the gravity of the offence (*surpa*), this Court even during the pendency of the instant appeal before this Court deems it fit and appropriate to, thus, in terms of the verdict rendered by the Hon'ble Apex Court in Madan Gopal's case, accept the voluntarily drawn compromise amongst all concerned, and, is further led to thereafter make an order of composition of the charged offence(s), in respect whereof, a verdict of conviction and consequent thereto substantive sentence(s) of imprisonment, become made by the learned Trial Court.

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9. Therefore, the offences embodied in the FIR (supra) are compounded. Moreover the impugned verdict of conviction is also quashed and set aside. Resultantly the convicts are acquitted of the charges. Personal bonds and surety bonds are ordered to be cancelled. Fine amounts, if any, deposited by the convicts are to be refunded to them in accordance with law. Case property, if any, is ordered to be destroyed. Records be sent back to the Trial Court. CRA-2906-SB-2016 is permitted to be withdrawn.

(SURESHWAR THAKUR)
JUDGE

November 21, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No