

CRA-S-564-SB-2005

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

CRA-S-564-SB-2005
Reserved on: 03.02.2025
Pronounced on: 28.02.2025

Amarjit Singh and others ...Appellants

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamal Deep Singh Sidhu, Advocate
for the appellants.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Randhir Singh Mangat, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	04.10.2003	Moonak	307, 324, 323, 34 IPC

Case no. before trial Court	SC No. 01 of 09.01.2004 Date of Decision: 18.03.2005
Conviction under section	307, 307/34 IPC

1. Seeking setting aside of judgment of conviction and order of sentence dated 18.03.2005 passed by the Additional Sessions Judge, Sangrur, the appellants have come up before this Court.

2. Counsel for the appellant as well as complainant submits that both the parties are from neighbouring areas and now they have settled all their disputes amicably during the pendency of present appeal and even both the parties have entered into compromise. Copy of said compromise was placed vide CRM No. 44034 of 2024.

3. Counsel for the complainant also admitted that the matter stands compromised and judgment of conviction will create hurdle in smooth relations of the parties.

4. State counsel opposes such compromise and submits that conviction cannot be set aside because they have entered into compromise. I am in agreement with the opposition made by the State counsel. In a case of conviction, out of court compromise cannot be made basis to quash conviction, however situation would have been different if a petition for getting the statements of the parties recorded in the concerned Court and after that to validate the compromise conviction can be set aside, which is not in the present case, as such conviction cannot be set aside simply on the basis of compromise. At this stage, counsel for the appellant- convict submits that he has gone through the brief and in his opinion it is not a case where conviction can be interfered by this Court on merits, however based on various mitigating factors like age of one of the appellant which is now 75 years and their sentence was suspended about 20 years back. In the interregnum, they have not repeated the crime or involve in criminal activity coupled with the fact that the parties have already compromised the matter out of Court and all these mitigating factors and based on this the sentence can be reduced to the period which has already been undergone by them.

5. State opposes such prayer and states that the sentence which has been undergone by Amarjit Singh is hardly sufficient and even other persons is just 06 months which is too less for the offence under Section 307 IPC.

6. I have gone through the evidence and prima facie it is an open and shut case of conviction. There is direct evidence of the injured attributing the injuries to the appellants and as such conviction cannot be altered, however regarding reduction of sentence, the appellants have valid for the following reasons. Although Amarjit Singh has undergone around 01 month but he is 75 years of age and the victim has compromised the matter. FIR is of 2003 and even the appeal is pending for around two decades coupled with this there is no allegation that the appellants have repeated the offence. Now regarding other two appellants who have already undergone 06 months and have mitigating factors as of Amarjit Singh. Thus, in the entirety of facts and circumstances of the case, it is a fit case where no purpose would be achieved by sending all these convicts to imprisonment simply for the sake of State's satisfaction. It would not satisfy principles of reformatory theory. It is for the reason that during the time of suspension of sentence, none of the appellants have repeated the crime. In the given circumstances, if this Court does not reduce the sentence to the period already undergone, it would more be like punishment in the nature of retribution and would serve no purpose whatsoever.

7. Given above, judgment of conviction stand affirmed, however keeping in view the fact of compromise, other mitigating factors, sentence awarded to appellants is reduced to the period already undergone by them, however the fine amount is increased

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to Rs.25,000/- each from Rs.4000/-. The fine amount be deposited by 31.05.2025. Appeal stand disposed of. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.