

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA
Cr. Revision No. 4145 of 2013**

Decided on : 23.12.2025

Pawan Kumar

...Petitioner

Versus

State of H.P.

...Respondent

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

**For the Petitioner : Mr. Adarsh K.Vashishta,
Advocate.**

For the Respondent : Mr. Rohit Sharma, Dy. A.G.

Virender Singh, Judge (oral)

Petitioner has filed the present revision petition, against the judgment, dated 31.8.2013, passed by the learned Additional Sessions Judge-I Kangra at Dharamshala, H.P. (hereinafter referred to as 'the Appellate Court), in Criminal Appeal (RBT) No. 25-P/2010/2007, titled as 'Pawan Kumar versus the State of H.P.'

2. Vide judgment, dated 31.8.2013, the learned Appellate Court has dismissed the appeal, filed by the petitioner (hereinafter referred to as 'the convict'), under Section 374 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.'), against the judgment of conviction, and order of sentence, dated 1.8.2007, passed by the Court of learned Judicial Magistrate 1st Class-1, Palampur, District Kangra, HP, (hereinafter referred to as 'the trial Court'), in CrI. Case No. 147-II/2005, titled as, "State of H.P. versus Pawan Kumar".

3. By virtue of judgment of conviction and order of sentence, dated 1.8.2007, the learned trial Court has convicted the convict/petitioner, for the commission of offences, punishable under Sections 452, 506, 354 and 323 of the Indian Penal Code (hereinafter referred to as 'IPC') and sentenced him in the following manner:

Sections	Sentence imposed	In default
S. 452 IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs. 1,000.-	Simple imprisonment for two months.

S.506 IPC	Rigorous imprisonment for a period of three months and to pay a fine of Rs. 500/-	Simple imprisonment for 15 days.
S. 354 IPC	Rigorous imprisonment for a period of three months and to pay a fine of Rs. 1000/-	Simple imprisonment for one month
S. 323 IPC	Simple imprisonment for a period of three months and to pay a fine of Rs. 500/-	Simple imprisonment for one month

4. The instant revision petition has been admitted for hearing by this Court, vide order, dated 29.10.2013.

5. Vide order, dated 25.9.2025 this Court has ordered to call for the report of the Probation Officer. In sequel thereto, the report of the Probation Officer has been received.

6. Today, statement of the convict/petitioner has been recorded on oath, in which, he has stated that he does not want to press the present petition, preferred against the judgment of conviction and prayed that he may be released on probation.

7. The report of the Probation Officer perused. The Probation Officer has specifically mentioned that the conduct of the convict, during past years, in the

society, is good and has recommended that the benefit under Probation of Offenders Act be given to them.

8. The offences, for which, the convict has been convicted, are not punishable with death or imprisonment for life. The convict is having the permanent abode in District Kangra, H.P. There is nothing on the file to demonstrate that after the incident, upon which, the FIR was registered against the convict, any other incident, had taken place and no subsequent offence has been committed by him.

9. The convict has already faced the agony of the trial, including the pendency of the revision petition, for the last about twenty years.

10. Our Criminal Jurisprudence System is reformatory in nature. With the passage of time, it has been realized that sending the first offender to jail, to undergo substantive sentence, does not produce good results, as, the first offender/convict, sometimes, may come in contact with the hardened criminals.

11. The probation is a kind of non-custodial sentence, by giving an opportunity to the convict to reform himself, while abiding by certain conditions, imposed by the Court, for a certain period. It is a reformatory measure to achieve the object, by giving an opportunity to the convict, to reform himself, instead of directing him to undergo substantive sentence.

12. While, not pressing his revision petition, against the judgment of conviction, the convict, has prayed that he be released on probation. Rejecting the prayer of the convict to release him on probation, would amount to punishing his family members, for the offences, committed by the convict.

13. Considering the nature of the offence, this Court is of the view that it would be expedient to release the convict on probation of good conduct, instead of directing him to undergo substantive sentence, as imposed by the learned trial Court.

14. Considering all these facts, the revision petition of the convict is dismissed against the judgment of conviction, however, in view of the discussions made above, the order of sentence is ordered to be modified. Instead of directing the convict to undergo the substantive sentence, he is directed to be released on probation of good conduct, on his furnishing personal bond in the sum of Rs. 50,000/-, with one surety, of the like amount, to the satisfaction of the learned trial Court, to keep peace and be of good behaviour, for a period of two years and to receive the substantive sentence, as and when, called upon to do so, during the period of two years.

15. The convict is also directed to deposit a sum of ₹10,000/-, which shall be in addition to the fine amount, if any, already deposited by him, in this case, with the learned trial Court, within a period of one month from today. The said amount of Rs. 10,000/- shall be paid to the complainant, as compensation, by

the learned trial Court, after issuing notice to him, in this regard.

16. It is clarified that in case of violation of any of the conditions, so imposed, including the terms and conditions of the requisite bonds, the order of sentence shall revive automatically, without reference to this Court. In that eventuality, the convict-petitioner is directed to surrender before the learned trial Court, to undergo the substantive sentence.

17. In view of the above, the revision petition is partly allowed. Pending miscellaneous applications, if any, are also disposed of accordingly.

(Virender Singh)
Judge

December 23, 2025
Kalpana