

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

**Criminal Revision No.2439 of 2015 (O & M)
Date of Decision:-02.11.2015**

Paramjeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.

The petitioner has filed the present revision petition against the judgment dated 2.7.2015 passed by the Additional Sessions Judge, Bhiwani, whereby the appeal against the judgment dated 8.8.2014 and order of sentence dated 11.8.2014 passed by the Judicial Magistrate 1st Class, Charkhi Dadri, was dismissed.

The trial Court vide judgment dated 8.8.2015, convicted the petitioner for offence under Sections 279 and 337 IPC and sentenced him as under :-

<i>Sr. No.</i>	<i>U/S</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine further imprisonment</i>
1	279 IPC	SI Six months	Rs.1000/-	One month
2	337 IPC	SI Six months	Rs.500/-	One month

Both the sentences were ordered to run concurrently.

The petitioner was also directed to make payment of Rs.50,000/- to injured Satpal and Rs.5000/- to injured Anil as compensation under Section 357-A of Cr.P.C. The petitioner challenged the aforesaid judgment dated 8.8.2014 and order dated 11.8.2014 by preferring an appeal before the learned Additional Sessions Judge, Bhiwani. However, while upholding the judgment of learned Magistrate, the appeal was dismissed on 2.7.2015. It is in these circumstances the petitioner has filed the present revision petition.

Learned counsel for the petitioner instead of arguing the case on merits, submitted that he would be satisfied in case the sentence awarded to the petitioner is ordered to reduce as undergone or the petitioner be released on probation. Thus, learned counsel has confined his arguments qua the quantum of sentence. He has contended that out of the awarded sentence of six months, the petitioner remained in custody for about 2 months (1 month and 26 days). The FIR in question was registered on 20.7.2009 and since then the petitioner continuously facing mental agony because of pendency of criminal case against him. There is no other criminal case pending against him. Learned counsel for the petitioner further contended that the petitioner is a first time offender and, therefore, a lenient view be taken by considering long pendency of the proceedings as well as the fact that there is no other criminal case

pending against him. He, therefore, prays that the sentence of the petitioner be reduced to the period already undergone by him or he be released on probation.

Learned counsel for the petitioner has further submitted that he will deposit the awarded fine within two months from today as directed by learned Magistrate.

Heard.

Admittedly, the petitioner has been convicted for an offence under Sections 279 and 337 IPC and sentenced for six months along with fine indicated above. He is facing mental agony since the year 2009. There is no other criminal case pending against him except the present one. Therefore, taking into consideration the judgment of **Tarlochan Singh versus State of Punjab 2012(1) RCR (Criminal) 909** wherein this Court while maintaining the conviction of the petitioner had released him on probation under Section 4(1) of the Probation of Offenders Act, 1958. The petitioner is deserves to be extended the similar relief. Therefore having recourse to the facts and the judgment referred as **Tarlochan Singh's** case (supra), and while maintaining the conviction of the petitioner, he is ordered to be released on probation under Section 4(1) of the Probation of Offenders Act. However, the compensation awarded by the learned Courts below is enhanced from Rs.50,000/- to Rs.70,000/- to be paid to injured Satpal, whereas compensation awarded to injured Anil is increased from Rs.5000/- to Rs.10,000/- as provided under Section 357-A of the Cr.P.C. The petitioner shall deposit the amount of compensation within two months from today in the trial Court. The trial Court is further directed that the amount of compensation, so deposited

by the petitioner be disbursed to injured namely, Satpal and Anil. In case the petitioner fails to deposit the modified enhanced amount of compensation within the time prescribed or the period extended by the Court, he shall be liable to undergo imprisonment as awarded by the trial Court and affirmed by the lower Appellate Court.

With the aforesaid modification, the present revision petition is disposed of.

November 02, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE