

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

**CRR No. 3284 of 2015.
Decided on : 5.10.2015.**

Inderjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. N.S. Dadwal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J.

This revision is directed against the judgment dated 20.7.2015, passed by the Additional Sessions Judge, Ludhiana whereby the judgment of conviction dated 10.12.2013, passed by Judicial Magistrate Ist Class, Jagraon was upheld, the petitioner-accused was ordered to be released on probation, on furnishing by him the personal bond in the sum of Rs.50,000/- with one surety in the like amount. The petitioner was further directed to pay compensation of Rs.50,000/- to Sukhminder Kaur, the complainant/victim. It is the latter part of the judgment i.e. the direction to pay compensation of Rs.50,000/- which is

impugned in the present revision petition.

Brief facts of the prosecution case are that on 9.3.2010 at about 3.30 PM Sukhminder Kaur, the complainant was alone at her home. When she came in the courtyard, in order to give fodder to the cattle, the accused-petitioner entered her house after scaling the common wall. The accused was armed with iron rod. He raised lalkara that now he would see as to how the complainant would depose against him in the Court and then he moved towards the complainant in order to hit her with the iron rod but the complainant ran towards the main gate of the house. In the meantime, her husband came from outside and on seeing him, the accused went back after scaling the common wall. The petitioner also hurled abuses upon the complainant and threatened her to teach a lesson again. The motive of the occurrence was that the complainant was a witness in case FIR No.132 dated 23.7.2007 under Sections 429, 402 IPC and Section 27 of Arms Act registered at Police Station Sidhwan Bet and the accused wanted her not to depose against him in the Court. On the basis of statement made by the complainant, present FIR was registered against the accused. After investigation, challan was presented against the accused.

Charges under Sections 452, 294 and 506 IPC were framed against the accused to which he did not plead guilty and claimed trial.

The prosecution in order to prove its case examined PW-1 Sukhmander Kaur complainant, PW-2 ASI Raminderjit Singh, PW-3 HC Ramjit Dass, PW-4 Baldev Singh, PW-5 Randhir Sidhu and closed its evidence.

Statement of accused under Section 313 Cr.P.C was recorded and all the incriminating circumstances appearing in the prosecution evidence were put to the accused to which he denied and pleaded false implication.

In defence evidence, the accused examined DW-1 Joginder Singh and DW-2 Malkit Singh and closed the evidence.

The learned Judicial Magistrate vide judgment and order dated 10.12.2013 convicted the accused under Sections 452, 294 and 506 IPC and sentenced him to undergo RI for 1 year and to pay fine of Rs.1000/- under Section 452 and fine of Rs.500/- under Section 294 and fine of Rs.500/- under Section 506 IPC with default stipulation.

Against the judgment of conviction and order of sentence dated 10.12.2013, the accused preferred appeal before the Additional Sessions Judge, Ludhiana. The Additional Sessions Judge vide judgment dated 20.7.2015 upheld the judgment of conviction but released the accused-petitioner on probation. The accused was directed to pay compensation of Rs.50,000/- to the complainant. It is the latter part of the judgment i.e. the direction to pay compensation of

Rs.50,000/- which is impugned in the present revision petition.

Learned counsel for the petitioner contends that the award of compensation of Rs.50,000/- to the compensation is on higher side. The same requires reduction to some reasonable extent.

I have heard learned counsel for the parties and have gone through the case file carefully.

There is no challenge to the judgment of conviction. Even before the lower appellate Court, the petitioner did not challenge the judgment of conviction on merits and prayed for taking lenient view qua quantum of sentence. This Court has gone through the judgment passed by the Additional Sessions Judge. There is no infirmity or flaw in the judgment. The Additional Sessions has rightly taken note of the modern penology which requires the Court to make an effort to reclaim the offenders than to put them behind the bars but at the same time, the cries of the victim has also to be taken care of. Keeping in view the price index, a sum of Rs.50,000/- as compensation is not on higher side. Thus, this Court does not find any illegality or irregularity in the impugned judgment calling for interference by this Court in exercise of revisional jurisdiction. Consequently, the revision petition stands dismissed.

5.10.2015.
SN

(JITENDRA CHAUHAN)
JUDGE