

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

Criminal Revision No. 3391 of 2014

Date of decision: December 03, 2015

Paramjit Kaur

-----Petitioner (s)

v/s

State of Punjab and others

-----Respondent(s)

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. Kuldeep Sanwal, Advocate for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition challenging the judgment dated 23.07.2014 passed by Learned Addl. Sessions Judge, Patiala, whereby the respondents No. 2 to 5 have been extended the benefit of probation and released on probation of good conduct under section 4(1) of the Probation of Offenders Act (for short “the Act”) on furnishing personal bonds in the sum of Rs.30,000/- with one surety in the like amount each with an undertaking to keep peace and be of good behaviour and to appear and receive the sentence as and when called upon to do so by the Court during the period of two years. Besides this, they were also directed to pay compensation to the tune of Rs.15000/- to the complainant-Paramjit Kaur under section 357 Cr.P.C.

Learned Judicial Magistrate 1st Class, Patiala vide judgment of conviction and order of sentence dated 10.03.2012 passed in criminal

complaint No. 30-T of 11.01.2005 convicted and sentenced the respondents No.2 to 5 as under:-

<i>Names of accused</i>	<i>Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default</i>
<i>Madan Lal Kanta, Sunny and Om Parkash</i>	<i>452 IPC</i>	<i>RI for 1 year and 6 months each.</i>	<i>Rs.200/- each.</i>	<i>SI for 15 days</i>
	<i>506 IPC</i>	<i>RI for 9 months each.</i>	<i>Rs.100/- each.</i>	<i>SI for 10 days</i>
	<i>323 IPC</i>	<i>RI for 6 months each.</i>		
<i>Kanta</i>	<i>504 IPC</i>	<i>RI for 9 months.</i>		

Briefly stated, the facts of the case are that petitioner-complainant filed a complaint against the respondents No.2 to 5 under sections 452, 323, 325, 354, 504, 506 read with section 34 IPC stating therein that one of gates of her house was opening towards the house of respondents-accused, to which they were raising objection saying that her family had been seeing in their home. There used to be quarrel between them and on account of that they had entered into compromise on several occasions. However, on 28.10.2004 at about 7.30 a.m. accused started abusing the complainant and hurling brick bats towards her. One of the brick bats hit on her head and the blood started oozing out, upon which she raised alarm and went inside her house. In the meantime, accused Madan Lal armed with an iron bar, accused Sunny with brick bats and accused Om Parkash with iron bar entered into their house and also caused injuries to her husband Balbir Singh and daughter Preeti. Upon raising alarm, people of the locality gathered at the spot and saved the complainant and her family. While leaving the spot, accused threatened them that they will kill them on some other day.

After appraisal of evidence led in the case, the learned trial Court held accused-respondents No. 2 to 5 guilty for offence under

sections 323/452/506 read with section 34 IPC. Besides this, accused Kanta-respondent No.3 was also held guilty of offence under section 504 IPC and they all were sentenced, as aforesaid. Against the judgment of conviction and order of sentence dated 10.03.2012, the accused-respondents No.2 to 5 preferred an appeal before the learned Addl. Sessions Judge, Patiala who vide judgment dated 23.07.2014 extended the benefit of probation to the accused-respondents.

It is in the aforesaid circumstances, the petitioner-complainant has filed the present revision petition challenging the judgment passed by learned Additional Sessions Judge, Patiala dated 23.07.2014 extending the benefit of probation to the respondent-accused.

During the course of arguments, learned counsel for the petitioner-complainant has confined his arguments only to the extent of enhancing the amount of compensation under section 357 Cr.P.C. He submits that the accused-respondents No. 2 to 5 have caused injury to the complainant and the amount of Rs.15000/- awarded as compensation in terms of section 357 Cr.P.C. is too meagre vis-à-vis the injuries suffered by the complainant.

I have heard learned counsel for the petitioner and have gone through the file.

The scope of revisional jurisdiction is vested with limited powers. Hon'ble Apex Court in ***Johar and others Versus M/s Mangal Prasad and another, 2008(3) SCC 423*** while dealing with the scope of revisional jurisdiction, has observed as under:-

“17. The approach of the High Court to the entire case cannot be appreciated. The High Court should have kept in

mind that while exercising its revisional jurisdiction under section 397 and 401 of the Code of Criminal Procedure, it exercises a limited power. Its jurisdiction to entertain a revision application, although is not barred, but severally restricted, particularly when it arises from a judgment of acquittal.”

A perusal of the judgment dated 10.03.2012 passed by learned Judicial Magistrate, Patiala shows that the respondents/accused have been charged for offence u/s 323 IPC, wherein admittedly the injury is simple in nature.

In view of the above, taking into consideration the injury suffered by the complainant-petitioner, I am of the considered opinion that the amount of compensation awarded by learned Appellate Court is reasonable and no interference is warranted by this Court in its revisional jurisdiction.

Dismissed.

December 03, 2015
ANJAL

(HARI PAL VERMA)
JUDGE