

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.3727 of 2015(O&M)

Date of Decision:-03.12.2015

Om Parkash & Ors.

.....Petitioners.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ramesh Hooda, Advocate for the Petitioners.

Mr. R.K. Doon, AAG Haryana.

**Mr. Sanjeev Kodan, Advocate for injured-Complainant
Varinder Singh-respondent no.2.**

JASWANT SINGH, J (ORAL)

Petitioners/Convicts have filed the present revision directed against the judgment of conviction and order of sentence dated 18.02.2015/19.02.2015 passed by learned Additional Chief Judicial Magistrate, Jhajjar, as also the order dated 21.09.2015 passed by the learned Sessions Judge, Jhajjar while dismissing the appeal of the present petitioners and upholding the conviction and sentence for commission of offences punishable under Sections 323, 325, 342, 506 read with Section 34 of Indian Penal Code in FIR No.230 dated 16.11.2009, registered with Police Station Salhawas, District Jhajjar.

The sentence awarded to the petitioners by the trial Court duly

upheld by the lower Appellate Court reads as under:-

<i>Sr.No.</i>	<i>Under Sections</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
1	323 r/w 34 IPC	To undergo RI for Six months	500/- each	To undergo SI for one month
2	325 r/w 34 IPC	To undergo RI for Two years	1000/-each	To undergo SI for one month
3	342 r/w 34 IPC	To undergo RI for Six Months	500/- each	To undergo SI for one month

The awarded fine already stands paid.

Apart from the aforesaid sentences and fine, petitioners were also burdened with amount of Rs.30,000/- to be paid as compensation to the injured-complainant Varinder Singh for pain and sufferings, however, the same was ordered to be paid on expiry of period of appeal or on disposal of the appeal, as the case may be.

Vide order dated 05.10.2015 complainant-injured Varinder Singh was ordered to be impleaded as respondent no.2.

Learned Counsel for the petitioners aware of the limited jurisdiction under revision, does not address any arguments on merits, however, in the light of the petitioners having paid a compensation of Rs.1,00,000/- (rupees one lac) on account of compromise having been arrived at between the parties being neighbours, over and above the amount of Rs.30,000/- already awarded as compensation by the trial Court prays for grant of benefit of probation for the remaining sentence, since petitioners are first time offenders. In this regard, statement of the complainant, duly identified by his counsel has been separately recorded.

It is thus submitted that the petitioners having already undergone actual period of 02 months and 12 days of custody and amicably settled with the complainant, be released on probation for the remaining sentence. The prayer is not opposed by the counsel for the complainant.

Learned State Counsel in the light of the custody period already undergone and the factum of payment of more compensation is unable to adequately oppose the grant of probation for the remaining sentence.

Keeping in view the aforesaid circumstances and observations, the present revision petition is, thus, disposed of, by upholding the conviction of the petitioners under Sections 323, 325, 342 read with Section 34 of Indian Penal Code. However, in view of the aforesaid circumstances, the order of sentence is modified to the extent that instead of undergoing the imprisonment for the remaining period, the petitioners shall be released on probation on their executing bonds to the satisfaction of the learned CJM/Duty Magistrate, Jhajjar. The necessary formalities under the Probation of Offenders Act, 1958 for release shall also be followed.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

December 03, 2015
Vinay