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

CRR No.4046 of 2015 (O&M)

Date of decision: November 30, 2015

Manohar Lal

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

SABINA, J

Petitioner had faced trial in FIR No.440 dated 11.11.2007, under Sections 323, 506, 34 of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Section 39, Chandigarh. Trial Court vide judgment dated 18.0.2014 ordered the conviction of the petitioner under Sections 323, 506 read with Section 34 IPC. Petitioner was ordered to be released on probation. The said order was upheld in appeal filed by the petitioner by the Appellate Court vide order dated 13.05.2015. Hence, the present petition by the petitioner.

During the course of arguments, learned counsel for the petitioner has submitted that, although, petitioner has been ordered to be released on probation but his conviction under Sections 323, 506 read with Section 34 IPC will have an adverse bearing on his career as the petitioner is a Government employee.

The argument raised by the learned counsel for the petitioner is without any basis.

Section 12 of the Probation of Offenders Act, 1958

('Act' for short) reads as under:-

“12. Removal of disqualification attaching to conviction.-

Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:

Provided that nothing in this section shall apply to a person who, after his release under section 4 is subsequently sentenced for the original offence.”

Thus, as per the above provision, where a person is ordered to be released on probation under Section 3 or 4 of the Act, then the said person shall not suffer any disqualification to a conviction of an offence.

Since in the present case, petitioner has been ordered to be released on probation, as per Section 12 of the Act, the conviction of the petitioner under Sections 323, 506 read with Section 34 IPC will not have any adverse bearing on his service career.

Hence, no ground for interference is made out.

Petition stands disposed of, accordingly.

**(SABINA)
JUDGE**

November 30, 2015
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