

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

CRR No. 515 of 2014

Date of decision : 17.08.2015

Mewa Devi

....Petitioner

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

RAJAN GUPTA J.

Present revision petition is directed against the order dated 02.12.2013 passed by lower appellate court whereby respondents no. 2 to 5 have been granted concession of probation. According to learned counsel, the order is absolutely unsustainable. Same needs to be set-aside.

I have heard learned counsel for the petitioner.

It appears that FIR was lodged on the complaint of Mewa Devi (petitioner herein). She stated that when she was cutting crops in her field at that time, all the accused stopped her from doing the same. When she resisted, she was pushed and given fist blows. In the said incident, she also lost her silver chain. Certain passersby reached at the spot and saved her from the clutches of assailants. FIR was registered on the direction of court in exercise of power under section 156 (3) Cr.P.C. Investigation ensued and challan was filed before the competent court. Finding a prima facie case under sections 323/325/506/34 IPC, charge sheet was framed against the accused to which they pleaded not guilty

and claimed trial. To substantiate its case, prosecution examined as many as six witnesses. Statement of the accused under Section 313 Cr.P.C. was recorded wherein the incriminating evidence available on record was put to them. They denied the incriminating evidence and pleaded false implication. However, accused did not adduce any witness in their defence. Trial court after apprising the evidence found four persons guilty of offences under sections 323/325 read with section 34 IPC and sentenced them accordingly. On appeal being filed before the Sessions Judge, Narnaul he came to the conclusion that since the respondents no. 2 to 5 have no criminal background and are not habitual offenders, they should be given the benefit of probation. He, thus, modified the sentence order and ordered the respondents no. 2 to 5 to be released on probation for a period of one year on their furnishing probation bonds in the sum of ₹50,000/- each with one surety of like amount to the satisfaction of trial court. They were also asked to give an undertaking to keep peace and maintain good behavior during this period. Compensation of ₹10,000/- was also granted to the petitioner-Mewa Devi.

Petitioner is aggrieved only by grant of probation to respondents no. 2 to 5. He has not been able to point out any infirmity with the order passed. No such argument is forthcoming which shows that respondents no. 2 to 5 were not entitled to concession of probation. In my considered view, there is no ground to interfere in revisional jurisdiction. Revision petition is without any merit and is hereby dismissed.

August 17, 2015

(RAJAN GUPTA)
JUDGE