

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

**CRA-S-5126-SB-2016 (O&M)
Date of Decision: March 15, 2016**

Shyamwati

.... Petitioner

vs.

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: None.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

On the last date of hearing, none had appeared for the appellant. Today also, none has appeared for the appellant.

The case was registered on the statement of the present appellant. The accused-respondent No.2 was charge-sheeted under Sections 323, 506 IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the SC and ST Act'). Learned Sessions Judge, Palwal, vide judgment and order dated 24.08.2015 acquitted the accused-respondent No.2 of the offence punishable under Section 3(1)(x) of the SC and ST Act and Section 506 IPC. However, accused-respondent No.2 was convicted under Section 323 IPC and was released on probation.

In the absence of learned counsel for the appellant for arguing the matter, I have gone through the judgment of trial court.

It comes out that the allegations were levelled of causing simple injuries and using of some derogatory words against the caste of the complainant-petitioner.

Learned Sessions Judge, Palwal disbelieved the allegations levelled against the caste of complainant-petitioner. There may be possibility of exaggeration when there is quarrel resulting in some simple injuries. Therefore, there is no ground to disbelieve the well reasoned judgment passed by the trial court.

The prayer in the appeal has been made that the accused-respondent No.2 should not be released on probation for the commission of offence under Section 323 IPC.

Since, the injuries are simple in nature and the accused-respondent No.2 is the first offender, therefore, there is no illegality in the judgment passed by the learned Sessions Judge, Palwal in releasing the accused-respondent No.2 on probation.

Consequently, I do not find any merit in the present appeal and the same is, accordingly, dismissed.

March 15, 2016
sarita

(KULDIP SINGH)
JUDGE