

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

CRR-1479-2005 (O&M)

Date of decision: 7.11.2016

Onkar Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Aman Dhir, Advocate for the petitioners

Mr.Ankur Jain, Assistant Advocate General, Punjab

SNEH PRASHAR, J.

Petitioners Tarlochan Singh and Onkar Singh having faced trial in criminal complaint No.26/1/99 filed by one Shukla Rani, were held guilty for the commission of offence punishable under Section 500 IPC and were convicted and sentenced thereunder by learned Judicial Magistrate, 1st Class, Jalandhar by virtue of judgment /order dated 28.4.1999. They were sentenced to undergo rigorous imprisonment for 1½ years and to pay fine of Rs.4000/- and in default of payment of fine, to further undergo imprisonment for four months. Both the petitioners preferred separate appeals against the judgment of conviction and order of sentence dated 28.4.1999, which were clubbed and decided by learned Additional Sessions Judge, Jalandhar together vide common judgment dated 10.5.2005. Considering various aspects of the case, learned Appellate Court converted the sentence of imprisonment imposed upon

the petitioners by learned trial Court into the sentence of fine and enhanced the same from Rs.2000/- to Rs.7000/- each.

Feeling aggrieved by the judgment of conviction and order of sentence, the petitioners preferred the instant criminal revision.

At the very outset, learned counsel for the petitioners submits that the petitioners do not want to challenge the judgment of conviction on merits and only pray for leniency in the matter of sentence. Onkar Singh was employed as Branch Manager whereas Tarlochan Singh was working as Assistant Branch Manager with Punjab National Bank, Kular Branch, District Jalandhar and they have since retired from service.

Learned trial Court as well as learned first Appellate Court consistently held that due to personal grievance of the petitioners with the husband of the complainant, they defamed her by way of complaints Ex.PW3/A and PW3/B and by way of loud recitals in the locality. As such, they were held guilty and were convicted for the commission of offence punishable under Section 500 IPC. Considering the evidence led by the prosecution at the time of trial and the submissions made today by learned counsel representing the petitioners that he does not challenge the judgment of conviction recorded against them by learned trial court and learned first Appellate Court, the conviction is maintained.

Coming to the matter of sentence, as stated by learned counsel for the petitioners, they are the first offenders. They were employed in a nationalised bank and now have retired. The criminal

complaint was filed in the year 1993 and since then they have been facing a protracted trial. Considering their age and antecedents, I feel it shall be expedient and in the interest of justice that they are given the benefit of probation.

Accordingly, the petitioners are ordered to be released on probation under Section 4(i) of Probation of Offenders Act for a period of one year subject to their furnishing required probation bonds to the satisfaction of learned Chief Judicial Magistrate, Jalandhar. The bonds shall be furnished within two months from the date of receipt of the certified copy of this judgment, failing which the present revision petition shall be deemed to have been dismissed.

It is further directed that the petitioners shall keep peace and will bear good behaviour during the period of probation and will surrender before the Court as and when called upon to do so. The amount of fine already deposited by the petitioners i.e.Rs.7000/- each is converted into the litigation expenses.

The present criminal revision petition is disposed of accordingly.

7.11.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes

Whether reportable?

No