

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

CRM-M-25640 of 2015

Date of Decision: July 26, 2016

Subhash

...Petitioner

Versus

Kreshan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Present: Mr. Parminder Singh, Advocate
for the petitioners.

FATEH DEEP SINGH, J.

The essential facts in this petition seeking invocation of powers under Section 482 Cr.P.C. are that respondents No.1 to 5 namely Kreshan, Satinder, Narender, Ravi Kumar and Jasmer were tried in case FIR No.229 dated 11.6.2009 under Section 148,149,323,324,506 IPC, Police Station Indri and the Court of learned Judicial Magistrate 1st Class, Karnal holding them guilty under Sections 148,323,325,506 IPC sentenced to undergo rigorous imprisonment for six months to accused Kreshan, Jasmer and Ravi Kumar and for 03 months to accused Narender and Satinder. The convicts challenged the same in the appeal and the Court of learned Additional Sessions Judge, Karnal vide judgment dated 04.05.2015

dismissed the appeal of the appellants-convicts but granted them concession of probation. The same is subject matter of challenge by the complainant Subhash in this petition under Section 482 Cr.P.C.

After hearing learned counsel for the petitioner, as is admitted the respondents have only been convicted for commission of offences under Sections 148,323,325,506 IPC. Sections 325 and 323 are bailable as well as compoundable and Section 506 is non-bailable but compoundable and are not heinous in nature. Though, the learned Magistrate has failed to follow the mandate of Section 361 Cr.P.C. in detailing the reasons which prevailed upon the Court to deny the concession of probation, however, the learned Appellate Court duly considered the same and have thought it appropriate to exercise its powers under Section 360 Cr.P.C. read with Section 4, 5 of Probation of Offenders Act, 1956 and released them on probation of good conduct. Learned counsel for the petitioner could not convince how the same was illegal, not sustainable and uncalled for. Apparently, there is nothing illegal in the due exercise of inherent powers by the Court below and this Court does not concur with the submissions of the learned counsel for the petitioner, who has failed to convince this Court as to how there is illegality or perversity in the findings of the Court below. Thus, finding no merit in the instant petition the same as such stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

July 26, 2016
aarti