

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

Criminal Revision 1315 of 2008

Date of Decision : December 7, 2016

Subhash Chand

.....Petitioner

Versus

Satbir and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Deepak Sharma, Advocate
for the petitioner.

None for respondent No. 1.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

T.P.S.MANN, J. (Oral)

Respondent No.1-Satbir was tried for committing offence punishable under Section 307 IPC. Vide judgment and order dated 21/22.1.2008, learned Sessions Judge, Faridabad, absolved him of the charge under Section 307 IPC. Instead, he was convicted for committing the offence under Section 324 IPC and released on probation on his furnishing personal bonds in the sum of Rs.25,000/- with one surety in the like amount with an undertaking to keep peace and be of good behaviour for a period of two years, failing which, to appear and receive the sentence. He was also burdened with Rs.2,000/- as costs of proceedings.

Aggrieved of the order passed by the learned trial Court to the acquitting respondent No.1-Satbir of the charge under Section 307 IPC and releasing him on probation, injured

Subhash Chand filed the present revision, which stands admitted.

According to the prosecution on 6.10.2005, complainant Subhash Chand was returning home from Faridabad and when he reached near the house of Ex-MLA Ram Rattan, his neighbour Satbir came from behind. The accused was holding a knife, which he wielded in giving injuries on his hip and chest. The motive for the accused to inflict injuries to the complainant was that a few days ago, an altercation had taken place between them.

It is true that the discharge summary Ex.PA prepared by PW1 Dr. V.K.Garg did indicate that as the injury had penetrated the lung, diaphragm and stomach wall, it was dangerous to life but the x-ray report, on the basis of which, the said discharge summary was prepared, has not been produced by the prosecution. Further, it is doubtful whether the injured was at any time critical as his admission in the hospital was only for one week. Under these circumstances, the learned trial Court was justified in absolving the accused of the charge under Section 307 IPC and, instead, convicted him for committing offence under Section 324 IPC.

While granting benefit of probation to the accused, the learned trial Court noticed that he did not have any track record. He was a first offender and remained in custody for over four months. Besides, he had small children and there being no other earning member in the family.

Learned counsel for the petitioner does not dispute the aforementioned grounds taken into consideration by the learned trial Court while extending the benefit of probation to the accused. However, he has submitted that the accused had caused two injuries, which were incised in nature, one was placed vertically on the left side in the seventh intercostal space in mammary line. It had resulted into bleeding and air was leaking. The other injury was on his left buttock. It is also submitted that the trial Court ought to have directed the accused to pay adequate amount of compensation to the complainant.

None has put in appearance for respondent No. 1-Satbir. On the last date of hearing also, none had appeared for him. Accordingly, while adjourning the hearing of the revision for today, the Court had directed the Office to inform learned counsel for respondent No. 1. As per the Office report, learned counsel for respondent No.1 stands duly informed but despite the same he has not put in appearance.

After hearing learned counsel for the petitioner, this Court finds that no case is made out for any interference in the impugned order passed by the learned trial Court to the extent of releasing the accused on probation. However, a case is made out for directing the accused to pay adequate compensation to the complainant.

Resultantly, respondent No.1-Satbir shall deposit Rs.20,000/- before the Chief Judicial Magistrate, Faridabad within a

period of three months from today. The said amount, if not deposited by respondent No.1-Satbir, be recovered from him as arrears of land revenue. The amount of Rs.20,000/-, when deposited by respondent No.1-Satbir or recovered as arrears of land revenue, be disbursed in favour of the complainant/petitioner by way of compensation.

The revision is, accordingly, disposed of.

December 7, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No