

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

**CRR No.3005 of 2009 (O&M)**  
**Date of Decision: December 06, 2016**

Mohinder Kumar Sharma and another

...Petitioners

VERSUS

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

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

Mr.B.S.Virk, Deputy Advocate General, Haryana  
for the respondent-State.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioners Mohiner Kumar Sharma and Prem Singh against respondents State of Haryana and Ram Rattan Phor, challenging the impugned judgment of conviction dated 05.06.2008 and order of sentence dated 06.06.2008 passed by learned Special Judicial Magistrate, Panipat, vide which the petitioners were convicted and sentenced to undergo simple imprisonment for a period of three months and to pay fine of ₹500/- each under Section 500 IPC and to further undergo simple imprisonment for a period of one month and to pay fine of ₹200/- under Section 120-B IC and in default of payment, to undergo simple imprisonment for a period of one month and ten days respectively and also challenging the judgment dated 12.11.2009 passed by learned

Addl. Sessions Judge, Panipat, vide which appeal filed by petitioners was

dismissed.

Learned State counsel appeared and contested the petition.

From the record, I find that a complaint was filed by Ram Rattan Phor against accused Mohinder Kumar, Parmod, Sunil Kumar and Prem Singh under Sections 499, 500, 120-B and 34 IPC. The brief facts of the complaint as noted down in the judgment passed by learned Special Judicial Magistrate, Panipat, are as under:-

*“1. The present complaint was filed by the complainant under section 499/500/120-B/34 of the Indian Penal Code against all the accused that he is an Advocate by profession and is practicing as such in District Court, Panipat. He is also engaged in social work. He has good reputation in the locality and society. He remained legal advisor of Shiv Sena from 1996 to 2000 and had also been appointed as Honorary Chairman of Samaj Kalyan Avam Vikas Samiti, Weavers Colony, Panipat by the inhabitants of the colony. It is alleged that the accused No.1 was residing in Weavers Colony, Panipat for the last 20 years. Accused No.2 and 3 are real sons of accused no.1. The inhabitants of Weavers Colony, Panipat had constructed a Shiv Temple out of their joint funds for the purpose of worship. For managing affairs of the temple a samiti known in the name and style of Jankalyan Samiti was got registered by the inhabitants of the Weavers Colony in the year 1990-91. The accused no.1 along with his own men also got registered a society in the name of Shiv Sabha in the year 1993-94. Accused no.1 became the president of the society and he took over the control of the Shiv Mandir, Master Hari Ram, the President of the previous society namely Samaj Kalyan Avam Vikas Samiti moved an application for removal of control of accused no.1. The matter was also investigated by the police and final report was made by the police in favour of Master Hari Ram, President of Samaj Kalyan Avam Vikas Samiti. The accused no.1 then filed a suit for compensation and damages on the grounds of defamation against said Hari Ram and some other inhabitants of the colony. Said Hari Ram then filed a criminal complaint against accused no.1 and some other persons and the same is pending in the court. The complainant is representing Hari Ram in the said complaint, which is filed against the accused. Due to this fact, the accused felt offended and pressurized the complainant not to represent the opposite party. On 20-4-2004, the complainant was busy working in his office which he has maintained in his own house. Some other persons were also sitting with him. In the meanwhile, the accused came to his office and threatened*

*him not to appear on behalf of Master Hari Ram and pressurized him to get the matter compromised. The complainant refused to admit their illegal claim. On this, the accused proclaimed that they would teach a lesson to the complainant and he would face dire consequences. They also threatened to defame him in the society. The accused No.1 editor of Hindi Weekly newspaper "KRANTI NAYAY PAKSHA" who with a mala fide intention to take revenge, got published a defamatory article in the newspaper on 22-4-2004 against the complainant. The details of this article are given in para no.8 of the complaint. It is alleged by the complainant that by publishing this defamatory article in collusion with each other, the accused have lowered down the reputation of the complainant in the eyes of society and caused unnecessary harassment to him. Hence it is prayed by the complainant that accused be summoned and they be punished according to law."*

Learned Special Judicial Magistrate, Panipat, after appreciating the evidence, convicted and sentenced the petitioners as stated above. An appeal was filed by the petitioners and the same was dismissed by learned Addl. Sessions Judge, Panipat, vide judgment dated 12.11.2009.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioners did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioners argued that petitioner are first offenders and only bread earners of the family and they are suffering from the criminal proceedings since 2007. Learned counsel for the petitioners further contended that petitioners have already undergone actual sentence of 1 month and 7 days.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioners are facing long protracted criminal proceedings since 2007 i.e. for the last about 9 years and are first offenders, only breads earner of the family and also in view of the fact that petitioners have already undergone imprisonment of 1 months and 7 days out of the total sentence and they have been sentenced for a maximum period of three months under Section 500 IPC, the petitioners are directed to be released on probation on furnishing probation bonds in the sum of ₹50,000/- with one surety each to the satisfaction of the trial Court/Duty Magistrate, for a period of six months with the condition that they will keep good behaviour during the said period. The fine imposed upon the petitioners by the Courts below is converted into the costs of litigation. They are directed to furnish probation bonds within one month from receiving the certified copy of this order.

Resultantly, the present revision petition stands partly allowed.

Since, petitioners Mohinder Kumar Sharma and Prem Singh, are on bail, their bail/surety bonds stand discharged.

**December 06, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**