

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2318 of 2010 (O&M)
Date of Decision: January 11, 2016

Naresh Kumar Gupta Petitioner

vs.

Naib Singh Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Surinder Garg, Advocate for the petitioner.

Mr. H.P.S. Ishar, Advocate for the respondent.

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)

Complainant-Naresh Kumar Gupta has filed this revision petition against the judgment dated 25.02.2010 passed by learned Sessions Judge, Faridkot, whereby respondent-Naib Singh was released on probation under Section 4(1) of the Probation of Offenders Act, 1958.

It comes out that the lower court vide judgment and order dated 16.10.2008 convicted and sentenced two accused, namely, Naib Singh and Major Singh as under:

S.N.	Offence	Sentence (R.I.)	Fine (₹)	Sentence in default of payment of fine
1	452 IPC	1 year	500/-	15 days
2	506 IPC	6 months	500/-	15 days
3	500 IPC	1 year	500/-	15 days

All the substantive sentences of imprisonment were directed to run concurrently. Major Singh, convict has died. The

allegations against the said accused are that they being the office bearers of Bharti Kissan Union Ekta, entered the premises of the complainant and threatened him to paste defamatory posters against him, thereby publishing defamatory matter against the complainant describing him to be a cheat. Later on, they also published a defamatory news in two newspapers, namely, 'Daily Ajit' and 'Daily Amar Ujala'.

From the simple allegations, it is doubtful whether Section 452 IPC is attracted or not in the said case. The case was registered in the year 2001. Now, 14 years have been lapsed. There is no previous conviction against respondent-Naib Singh. Therefore, I do not find any illegality in judgment passed by learned Sessions Judge, Faridkot, extending the benefit of probation to respondent-Naib Singh.

Accordingly, the present revision petition is dismissed.

January 11, 2016
sarita

(KULDIP SINGH)
JUDGE