

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR No.2242 of 2014 (O&M)
Date of decision: January 12, 2016.

Smt. Kesar Devi

... **Petitioner**

v.

Mange Ram and others

... **Respondents**

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

Present: Mr. Satbir Gill, Advocate for the petitioner.

Mr. G.S. Sidhu, Advocate for respondents No.1 to 3.

Ms. Supriya Arora, Asstt. Advocate General, Haryana.

1. *Whether Reporters of local papers 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?*

Kuldip Singh, J. (Oral):

In the present revision petition, the complainant has assailed the order dated 12.4.2014 passed by learned Additional Sessions Judge, Sirsa vide which the judgment and order of sentence dated 4.9.2012 passed by Chief Judicial Magistrate was modified wherein the accused were acquitted of the offence under Section 506/34 IPC but their conviction under Section 323/34 IPC was maintained and they were released on probation.

I have heard Learned Counsel for the parties.

Learned Counsel for the petitioner has placed on the file the copy of the judgment and order of sentence dated

6.10.2012/9.10.2012 passed by Judicial Magistrate First Class, Sirsa which shows that Om Parkash and Mange Ram accused were convicted in some other case under Sections 323/325/427 read with Section 148, 149 IPC. It is stated by the counsel that in appeal, the sentence was reduced but the conviction was maintained. However, the copy of the judgment passed by the appellate court is not on the file. Grouse of the petitioner is that probation was wrongly granted to the accused Mange Ram, Om Parkash and Rai Singh vide order dated 12.4.2014.

Perusal of the judgment passed by learned learned Additional Sessions Judge, Sirsa shows that probation was granted not only on the ground that the accused were not the previous convicts but also on the ground that they have faced protracted trial and have suffered mental, physical and economical agony. Therefore, in addition to such facts, these facts were also considered by the appellate court. The offence is under Section 323 IPC only. Therefore, I do not find any error or illegality in the order passed by learned learned Additional Sessions Judge granting probation to the accused-respondents. There is no force in the present petition. The same is dismissed.

January 12, 2016.
kadyan

[Kuldip Singh]
Judge