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

CRR No.359 of 2015 (O&M)

Date of decision: September 15, 2016

Urmila Devi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Surinder Singh Siao, Advocate for the petitioner.

Mr. K.S. Sidhu, AAG Punjab.

Mr. Om Pal Sharma, Advocate for respondents No.2 to 8.

A.B. CHAUDHARI, J (Oral)

Rule. Heard forthwith counsel for the rival parties.

On 17.08.2016, this Court had made the following order:-

“Heard Learned Counsel for the rival parties for some time; perused the impugned judgment and order. Prima facie I find that the femur bone of the victim was fractured due to the offensive act of the accused persons, who are seven in number. Hence, in my opinion this was not a fit case to release them on probation. Learned Counsel for the petitioner submits that by now, probation period may have been over. Since the appeal has been filed in this case, the same will not make any difference. Learned counsel for the private respondents to seek instructions for making payment of compensation to the tune of Rs.70,000/- in total. Since Rs.20,000/- fine has been ordered to be paid, Rs.50,000/- in addition will have to be paid as compensation to the victim. Counsel for the accused persons to take instructions before the next date of hearing. In case the accused persons are not willing to deposit the additional amount of Rs.50,000/-, this Court will hear the revision finally on that date.

Adjourned to 15.9.2016.”

In response to the said order, today, Mr. Om Pal Sharma, Advocate appears for private-respondents No.2 to 8 before this Court. He fairly states that prima-facie observations made by this Court are required to be taken into consideration in its letter and spirit and accordingly, as per his advise and prevalence on his clients, they have become ready to pay a sum of ₹50,000/- to the victim as observed in the above said order.

In my opinion, since the respondents No.2 to 8, in pursuant to the said order have come forward to make payment of compensation, keeping in mind the same and instead of sending the respondents No.2 to 8 to undergo sentence in the light of the injury suffered by the petitioner-complainant, it would not be appropriate to make any order to sentence them as such. In that view of the matter, following order is passed:-

ORDER

- (i) CRR No.359 of 2015 is disposed of.
- (ii) The amount of ₹50,000/- is being paid in cash to the counsel for the petitioner.
- (iii) Counsel for the petitioner shall handover the said amount to the petitioner and call for a receipt of the same from him and file it on record before this Court.
- (iv) Put up for compliance on 03.11.2016. Counsel for the petitioner and petitioner-Urmila Devi shall remain present before this Court on the said date.

(A.B. CHAUDHARI)
JUDGE

September 15, 2016
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No