

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

**CRR No.2513 of 2016 (O&M)**  
Date of decision: 19<sup>th</sup> August, 2016

Partap Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Sanjeev K. Panwar, Advocate for the petitioner.

**FATEH DEEP SINGH, J.**

This is a revision petition preferred in terms of Section 401 Cr.P.C. by the petitioner complainant Partap Singh whereby he has sought to impugn judgment and order dated 18.04.2016/19.04.2016 passed in an appeal by the Court of learned Additional Sessions Judge, Palwal modifying the trial Court finding granting probation to the convict appellants, present private respondents, who were initially convicted by the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Palwal through judgment dated 10.08.2015 under Sections 148, 323, 325, 452, 506/149 IPC and by way of order dated 12.08.2015 they were sentenced as under:

| Under Section | Period    | Nature                | Fine           |
|---------------|-----------|-----------------------|----------------|
| 148 IPC       | One year  | Rigorous imprisonment | --             |
| 323 IPC       | 6 months  | Rigorous imprisonment | --             |
| 325 IPC       | 3 years   | Rigorous imprisonment | Rs.1000/- each |
| 452 IPC       | Two years | Rigorous imprisonment |                |
| 506 IPC       | One year  | Rigorous imprisonment | --             |

In default of payment of fine, they were sentenced to undergo simple imprisonment for a period of 30 days.

Heard Mr. Sanjeev Kumar Panwar, Advocate for the petitioner at length. During the course of his submissions learned counsel for the petitioner does not disputes the findings of the learned trial Court thereby convicting all the accused and what is sought to be agitated with much vehemence is the findings of the learned first appellate Court granting relief of probation. The offences for which the convict/private respondents have been convicted are not of heinous nature. The law in its wisdom has enacted provisions commensurate with the reformatory theory of criminal jurisprudence so as to bring back to the mainstream persons who are not habitual offenders but on account of unforeseenable and compelling circumstances have acted contrary to the law. Same is with an object to ensure that they could prove to be beneficial to the society at large and will also prevent them from going astray, following the criminal path as well as for the betterment of their families and themselves. Section 360 Cr.P.C. along with Section 362 Cr.P.C. creates a mandate for the Courts to reason out in case they do not feel the necessity to resort to these provisions for the grant of relief of probation. The learned Magistrate did not consider this aspect of the matter and thus has erred in the same. The first appellate Court has resorted to these means and therefore this Court does not feels nor learned counsel for the revisionist could impress upon this Court how

there has been miscarriage of justice, illegality or impropriety necessitating interference by this Court.

The revision petition being wholly devoid of any merit stands dismissed in limine.

**(FATEH DEEP SINGH)**  
**JUDGE**

**August 19, 2016**  
*rps*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |