

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

CRR-3173-2016 (O&M)

Date of decision: 27.10.2016

Gurmeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Joginder Sharma, Advocate for the petitioner

Mr.Neeraj Sharma, AAG, Punjab

SNEH PRASHAR, J.

CRM-27524-2016

The present application under Section 5 of the Limitation Act has been filed for condonation of delay of 87 days in filing the revision petition.

For the reasons enumerated in the application, the same is allowed and the delay is condoned subject to all just exceptions.

CRR-3173-2016

Mall Singh etc. respondents No.2 to 5 were convicted by learned trial Court, (Judicial Magistrate Ist Class, Moga) for commission of offence under Sections 325 and 323 read with Section 34 IPC vide judgment of conviction dated 27.2.2015.

Accused Mall Singh was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo rigorous imprisonment for one month under Section 325 IPC whereas accused Lakhbir Singh, Darshan Singh and Jagtar Singh were sentenced to undergo RI for one year each and to pay fine of Rs.1000/- each and in default of payment of fine to further undergo RI for one month under Section 325 read with Section 34 IPC. Further accused Lakbir Singh was ordered to undergo RI for six months and to pay a fine of Rs. 500/- and in default of payment of fine to further undergo RI for 15 days under Section 323 IPC and accused Mall Singh, Darshan Singh and Jagtar Singh were sentenced to undergo RI for six months each and to pay fine of Rs.500/- each and in default of payment of fine to further undergo RI for 15 days under Section 323 IPC read with Section 34 IPC.

Respondents No.2 to 5 preferred an appeal against the judgment of conviction and order of sentence dated 27.2.2015. Learned Additional Sessions Judge, Moga vide judgment dated 16.2.2016 upheld the conviction of respondents No.2 to 5, however, considering the fact that the respondents were facing pain and agony for the last about four years and the grievous injury attracting the provision of Section 325 IPC was not on the vital part of the injured,

modified the order of sentence and allowed respondents No.2 to 5 to be released on probation of good conduct for a period of one year subject to their furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount each. They were also directed to deposit Rs.10,000/- as compensation to be paid to the complainant.

Feeling unsatisfied, the complainant filed the instant revision petition for modification of the part of judgment dated 16.2.2016 vide which, learned Additional Sessions Judge, Moga released respondents No.2 to 5 on probation.

The submissions made by Mr.Joginder Sharma, Advocate representing the petitioner and Mr.Neeraj Sharma, Assistant Advocate General, Punjab have been heard.

Complainant-petitioner Gurmeet Kaur had suffered a grievous injury in her right arm at the hands of Mall Singh (respondent No.2) and a simple injury on the right thumb when respondents No.2 to 5 in furtherance of their common intention had attacked on her pursuant to an altercation on throwing of garbage. Indeed, as observed by learned Additional Sessions Judge, Moga the grievous injury attracting the provision of Section 325 IPC was not on any vital part of the body of complainant-injured. Respondents No.2 to 5 were facing a protracted trial for the last more than four years and admittedly were not having any previous criminal history.

The facts also indicate that the parties are neighbours. To maintain peace in the locality in future is very essential. The complainant had been duly compensated by directing respondents No. 2 to 5 to pay Rs.10,000/- as compensation. Considering the said facts, there appears no illegality or infirmity in the judgment dated 16.2.2016 passed by learned Additional Sessions Judge, Moga extending benefit of probation to respondents No.2 to 5 and the revision petition being devoid of merit is dismissed.

27.10.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No