

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

Crl. Revision 1449 of 2008

Date of Decision : January 30, 2017

Vedpal

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : None for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

Mr. Rakesh Gupta, Advocate with
Ms. Bhupinder Kaur, Advocate
for respondents No.2 to 4.

T.P.S. MANN, J. (Oral)

Complainant-Vedpal has filed the present revision under Section 401 of the Code of Criminal Procedure for challenging the judgment dated 5.5.2008 passed by learned Additional Sessions Judge, Jind to the extent of releasing respondents No.2 to 4 on probation.

Respondents No. 2 to 4 were tried for committing offences punishable under Sections 323 and 325 read with Section 34 IPC. Vide judgment and order dated 10.5.2007, learned Sub Divisional Judicial Magistrate, Narwana convicted them for the aforementioned offences and sentenced them to undergo imprisonment and pay fine, as mentioned below:-

- i) Rigorous imprisonment for a period of six months and to pay a fine of Rs.300/- each for the offence under Section 323 read with

Section 34 IPC; and

- ii) Rigorous imprisonment for a period one and a half years (eighteen months) and to pay a fine of Rs.700/- each under Section 325 read with Section 34 IPC.

In default of payment of fine, they were sentenced to undergo rigorous imprisonment for three months. The fine imposed was deposited by them there and then.

Aggrieved of their conviction and sentences, respondents No.2 to 4 preferred an appeal. When the appeal came up for final hearing, respondents No.2 to 4 stated that they did not challenge the judgment of conviction recorded by the learned trial Court and, instead, prayed for taking lenient view on the point of sentence. Vide judgment dated 5.5.2008, learned Additional Sessions Judge, Jind upheld the aforementioned judgment of conviction passed by the learned trial Court. However, after holding that it was a fit case for extending the concession of probation to respondents No.2 to 4, learned lower appellate Court released them on probation. They were directed to furnish personal bonds in the sum of Rs. 10,000/- each with one surety in the like amount to keep peace and be of good behaviour for a period of one year. They were also directed to pay a sum of Rs.1,000/- each as compensation to the complainant/his legal heirs. The amount of fine already deposited by them was converted into compensation.

On 16.11.2016 and, thereafter, on 30.11.2016 when the revision was taken up for final hearing, none had put in appearance for the petitioner. On the last date i.e. 30.11.2016, the Court directed the office to inform Mr. Ramesh Chahal, Advocate for the petitioner. As per the office report, learned counsel for the petitioner stands duly informed about the hearing of the revision. Despite the same, he has not put in appearance.

It is not in dispute that the offences for which respondents No. 2 to 4 stand convicted are punishable with maximum sentence of seven years. Respondents No.2 to 4 had been facing the agony of criminal prosecution since the year 1999. They had claimed that they were first offenders. They were poor persons having small children to look after. All these factors were sufficient to extend the benefit of probation to respondents No.2 to 4. No case is made out for any interference in the impugned judgment passed by the learned lower appellate Court to the extent of releasing respondents No.2 to 4 on probation.

In view of the above, the revision is without any merit and, accordingly, dismissed.

January 30, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No