

“To undergo rigorous imprisonment for three months for commission of offence punishable under Section 148 IPC read with Section 149 IPC. Convicts are also sentenced to pay a fine of Rs. 500/- each for commission of offence punishable under Section 323 read with Section 149 IPC. They are also sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 300/- each for commission of offence

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punishable under Section 324 read with Section 149 IPC and to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs. 200/- each for commission of offence punishable under Section 427 read with Section 149 IPC. In case of default of payment of fine, convicts shall undergo simple imprisonment for a period of two months.”

All the sentences were directed to run concurrently.

The appeal against the said judgment was dismissed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide judgment dated 2.3.2012. The maximum sentence awarded by the lower Court is six months.

The perusal of custody certificates shows that all revisionists have remained in custody for two month.

The learned counsel for revisionists has pressed present revision on the quantum of sentence only. It has been prayed that revisionists being first offenders be given the benefit of probation under the Probation of Offenders Act, 1958.

The said prayer has been opposed by the learned proxy counsel appearing for learned counsel for complainant. It is contended that in this case, four persons, namely, Mohinder Singh, Baljeet Singh, Mamo Devi and Ranjit Singh were injured. It is further contended that all assailants had come well prepared.

The examination of lower Court file shows that all the injuries were found to be simple in nature. Before the trial Court, as many as 11 persons were named as accused. All the accused belong to one family. Therefore, considering that revisionists are first offenders and injuries were found to be simple in nature and that they are facing the trial since year 2001 i.e. for the last 16 years, it is considered proper that revisionists

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should be given a chance to reform themselves. As such, while maintaining the conviction of revisionists under Sections 323, 324, 427 IPC read with Sections 148 and 149 IPC, the sentence of revisionists is set aside and they are ordered to be released on probation under Section 5 (1) of the Probation of Offenders Act, 1958, on their executing probation bonds in the sum of Rs. 25,000/- each, with one surety of the like amount each, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar at Jagadhri, for a period of one year, with an undertaking to maintain peace and be of good behaviour and not to indulge in any criminal activities, failing which they will surrender before the trial Court to undergo remaining part of sentence. The probation will not be treated as disqualification attaching to conviction, under Section 12 of the Probation of Offenders Act, 1958. Revisionists are also directed to pay Rs. 5,000/- each, as compensation to victims, namely, Mohinder Singh, Baljeet Singh, Mamo Devi and Ranjit Singh, which shall be equally shared by them. The compensation be also deposited before the lower Court within four weeks. Probation bonds be furnished within four weeks from today.

In view of above, revision is partly allowed.

(KULDIP SINGH)
JUDGE

15.12.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No