

CRR-113 of 2014 (O&M)

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

CRR-113 of 2014 (O&M)
Date of Decision: 25.08.2017

Santosh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. G.S. Sandhu, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

This revision petition has been directed against the judgment dated 13.09.2013 passed by learned Additional Sessions Judge, Karnal, releasing respondents No.2 and 3 on probation.

Briefly stated, respondents No.2 and 3 were held guilty and sentenced to undergo rigorous imprisonment for one year each and to pay fine of ₹ 4,000/- each for commission of offence punishable under Section 325 read with Section 34 IPC and further undergo rigorous imprisonment for six months each and to pay fine of ₹ 1,000/- each for commission of offence punishable under Section 323 read with Section 34 IPC.

In appeal, respondents No.2 and 3, were released on probation for good conduct by the First Appellate Court vide impugned judgment dated

Learned counsel for the petitioner contends that the First

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Appellate Court did not adhere to the provisions of Section 357 Cr.P.C., while releasing respondents No.2 and 3 on probation. No sound reasoning whatsoever has been given by the First Appellate Court for releasing them on probation. In support of his contentions, learned counsel placed reliance on the judgment of the Hon'ble Supreme Court in ***Ankush Shivaji Gaikwad v. State of Maharashtra***, 2013(2) R.C.R.(Criminal) 1036.

Considering over-all facts and circumstances of the case, this Court is not inclined to differ with the impugned judgment dated 13.09.2013 for the reason that under Section 357 Cr.P.C., it is not imperative for the Court to give compensation or cost to the complainant in each and every case. The said provision is directory in nature. The word “may” used therein gives a discretion to the Court.

According to the learned counsel for the petitioner, the complainant had received grievous injury at the hands of respondents No.2 and 3 on his right index finger regarding which the respondents faced a protracted trial for around five years, which, in the considered opinion of this Court, is more than sufficient to punish a person. Respondents No.2 and 3 were released on probation of good conduct for a period of six months with a condition to keep peace and maintain good behaviour.

Instant petition was filed in the year 2014. Nothing has been brought on record in the last three years that respondents No.2 and 3 ever committed any offence or have mis-used the aforesaid concession of probation granted to them. In the case of ***Ankush Shivaji Gaikwad*** (supra) also the Hon'ble Supreme Court has given discretion to the Court to award or not to award compensation.

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In view of the above discussion, this Court does not find any
illegality or perversity in the impugned order.

Dismissed.

August 25, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No