

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 3208-2015 (O&M)
Date of decision: 26.09.2017

Rohit Kumar alias Sonu

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Jitender Nara, Advocate for the petitioner
Mr.Pawan Garg, AAG Haryana
Mr.Ajay Aggarwal, Advocate for
Mr.Narender Pal Bhardwaj, Advocate for respondent Nos.2 & 3

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner Rohit Kumar @ Sonu was convicted by learned Chief Judicial Magistrate, Rohtak vide judgment of conviction dated 16.12.2013 under Sections 294 and 323 IPC and vide order of sentence dated 21.12.2013, sentenced to undergo RI for three months and to pay fine of Rs.10,000/-, in default thereof, rigorous imprisonment for one month under Section 294 IPC. He was also sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.1000/- and in default thereof, rigorous imprisonment for 10 days under Section 323 IPC. Appeal against the said judgment was dismissed by learned Additional Sessions Judge, Rohtak vide judgment dated 28.7.2015.

Allegations against the petitioner are that in the railway coach

he had uttered some offensive language as mentioned in the judgments of

the lower Courts against the sister of the complainant, who is an Army Officer. When the complainant objected to the same, petitioner along with his fellow boys beat him up and gave simple injuries.

Before this Court, complainant as well as prosecutrix have filed the affidavits along with compromise stating that they have compromised with the present petitioner and they have no objection if the present petition is allowed. Compromise was signed before Panchayat consisting of members belonging to both the parties. Learned counsel for the complainant has stated at bar that he has no objection if the present revision is allowed.

After hearing learned counsel for the parties, I am of the view that offence under Section 294 IPC is not compoundable. Therefore, on account of compromise, the petitioner cannot be acquitted of the charges levelled against him. However, lenient view in the sentence can be taken.

Faced with these circumstances, learned counsel for the petitioner has prayed that the petitioner should be released on probation.

Considering that the prosecutrix and the revisionist have compromised the matter, a lenient view is taken, while maintaining the conviction of the petitioner under Section 294 IPC and 323 IPC, order of sentence passed by learned Chief Judicial Magistrate, Rohtak dated 21.12.2013 is set aside and instead the petitioner is ordered to be released on probation under Section 5(1) of the Probation of Offenders Act, 1958 for a period of six months on his furnishing probation bonds in the sum of Rs.10,000/- with an undertaking to maintain peace and be of good behaviour and not to repeat such type of activities, failing which he will surrender to undergo the remaining part of the sentence. As laid down under

Section 12 of the Probation of Offenders Act, 1958, the said conviction shall not be treated as disqualification. The fine of Rs.11,000/- imposed by the lower Court shall be paid to the victim as compensation. Petitioner is directed to furnish probation bonds before learned Chief Judicial Magistrate, Rohtak within a period of one week from the date of receipt of a certified copy of this order.

The revision is accordingly partly allowed.

26.09.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No