

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

CRR-530 of 2016 (O&M)
Date of decision: 12.09.2017

Kiran Saini

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rohan Sharma, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

By filing the present criminal revision, the petitioner has assailed the judgment dated 10.08.2015, passed by Addl. Sessions Judge, Yamuna Nagar, vide which, the appellant/accused (respondent No. 2 herein), was released on probation by upholding the conviction under Section 323 and 341 of IPC whereas the findings recorded for the commission of offences under Sections 354 and 506 IPC were reversed in a complaint case No.19/1 titled as 'Kiran Saini Vs. Munish Kumar'.

It is contended that the petitioner suffered grievous injuries at the hands of respondent No.2. The Appellate Court has grossly erred in reversing the findings of trial Court recorded under Sections 354 and 506 of IPC and further in granting the benefit of probation to the private respondent.

Heard.

The learned Appellate Court has given its thoughtful findings which in the opinion of this Court do not suffer from the any perversity or illegality. Learned Appellate Court after considering the fact that accused/respondent No.2 has no past criminal history has given valid and sufficient reasons for releasing the accused/respondent No.2, on probation for a period fo two years upon furnishing probation bonds in the sum of Rs.50,000/- with one surety in the like amount. The period of probation came to an end in the month of August, 2017. The learned counsel has not been able to refer to any incident or circumstance indicating the misuse of concession of probation by the private respondent. Accused/respondent No.2 was neither summoned nor charge-sheeted to face trial for the commission of offence under Section 506 IPC. Further, petitioner/complainant has not attributed any allegation which come under the ambit of Section 506 of IPC in her complaint or evidence at any stage. Moreover, in her deposition during trial, the prosecutrix has not made any allegation that she was subjected to sexual assault by the accused/respondent No.2, therefore, the trial Court has rightly held that ingredients of Section 354 of IPC are missing in the case. The State has also not preferred any appeal or revision against the impugned order(s).

Keeping in view the fact that the respondent No.2 has not misused the concession granted by the learned appellate Court, no case for interference in the well reasoned judgment is made out. Learned

Appellate Court has rightly observed that essential ingredients to attract provisions under Sections 354 and 506 of IPC are not fulfilled in the case. Moreover, there is an unexplained delay of 84 days in filing the instant revision petition.

Dismissed being time barred as well as on merits.

12.09.2017

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(JITENDRA CHAUHAN)
JUDGE

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