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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3267 of 2017 (O/M)

Date of decision : 21.9.2017

Dharmender

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.R. Yadav, Advocate, for revisionist.

Mr. Pawan Garg, AAG Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Custody certificate dated 20.9.2017 filed in Court today and same is taken on record.

The revision has been pressed on the quantum of sentence only.

Present revisionist was convicted by the learned Judicial Magistrate 1st Class, Mahendergarh, under Section 456 IPC and was sentenced to undergo simple imprisonment for one year and fine of Rs. 2,000/-, in default thereof, to further undergo simple imprisonment for ten days, vide judgment of conviction and order of sentence dated 2.7.2016. The learned Additional Sessions Judge, Narnaul, vide judgment dated 29.8.2017, while dismissing the appeal, reduced the sentence of simple imprisonment for one year under Section 456 IPC to simple imprisonment for six months. The fine was maintained.

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The allegations against revisionist are that on 27.5.2013, at midnight, he entered the house of complainant. When the complainant raised alarm, accused managed to flee away. The revisionist is of 24 years of age as on the date of decision by the first lower appellate Court. As per the custody certificate, there is no previous conviction against revisionist nor any case is pending against him.

Considering the antecedents and the age of revisionist, request for probation is allowed. While maintaining the conviction passed by two Courts below under Section 456 IPC, the sentence passed by both the Courts below is set aside and instead revisionist is ordered to be released on probation under Section 5 (1) of the Probation of Offenders Act, 1958, on executing probation bond in the sum of Rs. 25,000/- with one surety of the like amount, for a period of one year, with an undertaking to maintain peace and be of good behaviour and not indulge in any criminal activities, failing which he will surrender before the 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. The fine of Rs. 2,000/- imposed by the lower Court shall be converted into cost of litigation and he be released forthwith, if not required in any other case and directed to execute probation bond within two weeks thereafter before the trial Court. Hence, revision is allowed to the abovenoted extent.

(KULDIP SINGH)
JUDGE

21.9.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No