

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 4510 of 2017 (O/M)
Date of decision : 13.12.2017

Chandan Revisionist

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gulshan Nandwani, 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)

Custody certificate dated 12.12.2017 filed in Court today and same is taken on record.

Revisionist alongwith two other persons, namely, Ramesh and Charan Singh alias Malu was convicted by the learned Judicial Magistrate 1st Class, Gurugram/Gurgaon, vide judgment of conviction and order of sentence dated 10.12.2015 and 11.12.2015 respectively, under Sections 323, 506 IPC read with Section 34 IPC and was sentenced to undergo simple imprisonment for one year and to pay a fine of Rs. 1000/- under Section 323 IPC. The remaining two accused were released on probation. In appeal, the sentence of simple imprisonment for one year, awarded under Section 323 IPC, was reduced to three months simple imprisonment, but sentence of fine was maintained, vide judgment dated 30.11.2017, passed by the learned Additional Sessions Judge, Gurugram.

In brief, the allegations against revisionist are that when in

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connection with some dispute, he was brought to police station and was in police lock up, he quarreled with the opposite party and caused simple injuries.

Revision has been pressed on the point of quantum of sentence only.

Custody certificate shows that revisionist has undergone actual sentence of 13 days. The judgment of lower Court shows that benefit of probation to revisionist was declined on the ground that he is already a previous convict for the offence punishable under Section 302 IPC and suffered life imprisonment.

I agree with the view taken by both the Courts below that in view of previous criminal record of revisionist, benefit of probation under the Probation of Offenders Act, 1958, cannot be extended to revisionist. Hence, revision is dismissed.

(KULDIP SINGH)
JUDGE

13.12.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No