

Crl. Revision No. 249 of 2013

Date of Decision: August 27, 2018

Rajinder Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Ashit Malik, Advocate for the petitioner

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

The accused – respondents No. 2 and 3 were convicted under Section 323 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for two months and to pay fine of Rs. 200/- each and rigorous imprisonment for two years and fine of Rs. 800/- each on account of conviction under Section 324 read with Section 34 IPC. In appeal filed by them, vide judgment dated 27.10.2012, learned Additional Sessions Judge, Kaithal upheld the conviction but released them on probation for a period of one year without supervision on furnishing requisite bonds in the sum of Rs. 20,000/- with one surety each in the like amount. Aggrieved by this order of probation, the present petition has been filed by the complainant.

Learned counsel for the petitioner submits that an order of probation could only have been passed after receipt of report from Probation Officer. He relies on judgment of the Hon'ble Supreme Court titled as *MCD vs. State of Delhi and another, 2005(3) RCR(Criminal) 13*.

The judgment of the learned Additional Sessions Judge, Kaithal is dated 27.10.2012, thus, respondents No. 2 and 3 have already undergone the

sentence of probation imposed upon them and, therefore, no reason arises for me to go into the legality or propriety of the impugned judgment.

The present petition stands disposed of as having been rendered infructuous.

August 27, 2018

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No