

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

**Crl. Rev. No. 1727 of 2016 (O&M)
Date of decision : 01.03.2018**

Raman Kumari

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Ms. Neha Dewan, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. R.S. Ghumman, Advocate
for respondents no.2 & 3.

ANITA CHAUDHRY, J.

This revision is at the instance of the complainant aggrieved by the release of respondents no.2 & 3 on probation.

Limited notice was given only regarding compensation.

The counsel for the petitioner contends that the accused were acquitted and were sentenced to one year imprisonment by the trial Court. In appeal, the Additional Sessions Judge confirmed the conviction order and released the accused on probation, allowed Rs.25,000/- each to be paid by the convicts to the complainant under Section 357 Cr.P.C. The counsel

urges that the husband had got married and he is a Medical officer. The counsel further states that Section 5 of the Probation of Offenders Act provides that Court can award reasonable compensation on account of injury and the complainant had to face a long trial and amount of compensation be enhanced. Reliance was placed upon ***R. Mahalingam Vs. G. Padmavathi and another 1979 Crl. LJ NOC 20 (Madras), MCD Vs. State of Delhi and another (2005) 4 SCC 605, State through CBI, Anti Corruption Branch, Chandigarh Vs. Sanjiv Bhalla and another 2014(4) RCR (Crl.) 17 and Ankush Shivaji Gaikwad Vs. State of Maharashtra (2013) 6 SCC 770.***

On the other hand, the contention of the respondents was that no compensation can be awarded under Section 357 Cr.P.C. when accused is released on probation under Section 360 Cr.P.C. as held in ***Narinder Singh Vs. State of Punjab 2012(1) RCR (Criminal) 173.***

The petitioner had challenged the judgment passed by the Additional Sessions Judge and was aggrieved because respondents no.2 & 3 had been released on probation. He was seeking enhancement of the compensation. The counsel refers to Section 5 of the Probation of Offenders Act and submits that compensation can be awarded under Section 5 of the said Act.

This Court in ***Narinder Singh's*** case (supra) decided on 07.09.2011 had held that when the accused is released on probation under Section 360 Cr.P.C. then the provisions of Section 357 Cr.P.C. cannot be invoked to grant compensation. Compensation can be awarded only when the Court imposes a sentence of fine and not otherwise. However, compensation

can be awarded under Section 5 of the Probation of Offenders Act. Therefore, the amount which has been allowed by the First Appellate Court would be treated to be under Section 5 of the Probation of Offenders Act. Respondents no.2 & 3 in addition would pay Rs. 25,000/- each to the complaint in addition to the amount allowed by the First Appellate Court.

With the above said modification, the revision petition is disposed of.

01.03.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No