

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION:-06.12.2018

(1) CRR No.2218 of 2016 (O&M)

SATPAL SINGH

...PETITIONER...

V.

STATE OF HARYANA AND ORS.

...RESPONDENTS...

(2) CRR No.2232 of 2016 (O&M)

SATPAL SINGH

...PETITIONER...

V.

STATE OF HARYANA AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. S.S. Momi, Advocate
for the petitioner (in both petitions).

RAMENDRA JAIN, J. (ORAL)

CRM-19085-2016 in CRR-2218-2016

CRM-19127-2016 in CRR-2232-2016

Prayer in these applications is for condonation of delay of 147
days in filing the both revisions.

Heard.

For the reasons mentioned in the applications, delay of 147 days
is condoned in both the applications.

CRMs stand disposed of.

By this common judgment, two criminal revision petitions titled above are being disposed of, as the facts as well as law point involved in both these petitions is identical.

Complainant by way of these two revisions has laid challenge to common judgment dated 06.10.2015 of first appellate court, dismissing appeal filed by the revisionist/complainant for enhancement of sentence of private respondents No.2 to 4, while partly allowing the appeal filed by private respondents, whereby judgment of conviction of the trial court under Section 323 IPC dated 16.04.2015 was affirmed, acquitting them under Section 506 IPC, but order of sentence dated 18.04.2015 under Section 323 IPC was converted, from rigorous imprisonment of 6 months and payment of fine of Rs.500/- under Sections 323 IPC, in default, to further undergo simple imprisonment for 15 days each, into probation of good conduct for a period of one year, on furnishing probation bonds in the sum of Rs.30,000/- with one surety each in the like amount, on the condition that the private respondents shall deposit a sum of Rs.15,000/- (Rs.5000/- each) as compensation to be paid to the complainant in view of Section 357(2) Cr.P.C.

Briefly, private respondents were booked in case, FIR No.97 dated 22.07.2014, for the offence punishable under Sections 323, 295-A, 506 read with Section 34 IPC, Police Station Guhla. After holding trial, they were held guilty under Sections 323 and 506 read with Section 34 IPC, while acquitting them under Section 295-A IPC and ordered to

opening para of the judgment.

Being aggrieved, private respondents preferred appeal for setting aside of aforesaid judgment and order of sentence of the trial court, whereas petitioner also approached the first appellate court for enhancement of their sentence, but remained unsuccessful, as appeal of the petitioner was dismissed, whereas, appeal filed by the private respondents was accepted in the manner narrated above in the opening para of the judgment.

Learned counsel for the petitioner contends that first appellate court taking into account the criminal act committed by private respondents ought not to have released them on probation. First appellate court had directed the private respondents to make payment of compensation of Rs.5000/- each totalling Rs.15,000/- to the petitioner, which is quite insufficient, keeping in view the injuries caused to him by private respondents. The first appellate court also lost sight of the fact that ordering of payment of inadequate compensation to the petitioner by the respondents, would send a wrong signal in the society, because unless a person is burdened with exemplary cost, he may again dare to commit crime.

Having given anxious consideration to the submissions made by learned counsel for the petitioner, this Court finds both the revision petitions completely devoid of any merit for the reasons to follow:-

(1) the private respondents were released on probation

vide judgment dated 06.10.2015. Since then, more than three years have

passed. Learned counsel for the petitioner has not been able to bring on record any overt act or misuse of terms and conditions of their probation bond by them. Therefore, now, it is too late and would be inappropriate to send the private respondents behind bars.

(2) The first appellate court, in its wisdom, was legally empowered and had a legal right to grant benefit of probation to the private respondents.

(3) This Court has a very limited jurisdiction to exercise in revision, inasmuch as, the same can only be exercised; (i) if the courts below have exceeded their jurisdiction; (ii) have exercised their jurisdiction illegally and; (iii) have not exercised their jurisdiction diligently. No such circumstances could be pointed out by learned counsel for the petitioner to this Court.

(4) Learned counsel for the petitioner has miserably failed to prove on record that how, and in what manner the first appellate court has committed illegality or has exercised its jurisdiction illegally in releasing the private respondents on probation except that inadequate compensation has been granted to the petitioner.

(5) Perusal of file shows that petitioner did not remain admitted in the hospital even for a single day. He is alleged to have suffered three injuries caused by the private respondents and all were declared simple in nature.

Considering the above aspect of the case, awarding of

Rs. 15,000/- as compensation to the petitioner cannot be termed as

inadequate. Therefore, the impugned judgment of first appellate court dated 06.10.2015, being perfectly legal, does not warrant any interference.

Dismissed.

06.12.2018
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:	Yes/No
whether reportable:	Yes/No