

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-4374-2015

Date of Decision: 26.11.2018

Rakesh

.... Petitioner

Versus

Raghbir and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amit Prashar, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

The petitioner-complainant has filed the instant revision against the order dated 28.08.2015 of the Ist Appellate Court, whereby it upheld the judgment of conviction dated 04.11.2014 of the trial Court holding respondents, namely; Raghbir, Shri Krishan, Jai Kishan, Hari Kishan and Charan Singh, guilty under Sections 148, 149, 323, 452 and 506 IPC, but modified the order of sentence, releasing them on probation of good conduct under the provisions of Probation of Offenders Act, 1958.

Learned counsel for the petitioner *inter alia* contends that the Ist Appellate Court, while releasing the respondents on probation has erred in not appreciating that respondents are habitual offenders, because prior to registration of FIR in the instant case, they were also booked in Calendera (Annexure P-3) under Sections 107 and 151 Cr.P.C., besides an FIR No. 441 dated 16.12.2006 registered under Sections 420, 406 and 468, 452, 425 and 120-B IPC, Police Station Kalanaur, Rohtak.

Considering the aforesaid criminal cases against the respondents, the Ist Appellate Court, ought not to have release them on probation.

Having given anxious consideration to the submissions made by learned counsel for the petitioner, this Court finds the instant revision completely devoid on merits for the reasons to follow:

The petitioner filed a criminal complaint against the respondents in the year 2008 and the respondents were released on probation in the year 2015. Therefore, it is evident that respondents were released on probation after facing protracted trial for around 7 years. So much so, their conviction part has not been set aside by the Ist Appellate Court.

The Ist Appellate Court, in its wisdom has released the respondents on probation of good conduct, the same is not liable to be interfered, inasmuch as, nothing has been brought forward by the petitioner-complainant that they ever violated the terms and conditions of their probation bonds or committed any overt act, making them liable for any other criminal action in the span of three years.

I have carefully gone through the judgment of the Ist Appellate Court dated 28.08.2015 and find no illegality of perversity in the same.

The instant revision being meritless is dismissed.

November 26, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No