

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 3986 of 2017 (O&M)
Date of Decision: January 09, 2018

Bhagwan Dass and another
..Appellant(s)
Versus
State of Punjab
..Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

ANITA CHAUDHRY, J.

This revision is directed against the judgments of both the
Courts below. The trial Court had convicted and sentenced the
petitioners to the following punishment:-

Under Sections	Rigorous Imprisonment for a period of	Fine	In default of payment of fine
451/34 IPC	1 year	Rs.500/-	7 days
323 IPC	6 months	-	-
506 IPC	6 months	-	-
354/34 IPC	1 year	-	-

The case had been registered against the petitioners and
some others relating to an incident which occurred on 21.04.2010. The
incident occurred at about 8:30/9:00 PM when the complainant along
with her brother and mother was present in their home. The main door
of their house was open. Bhagwan Dass and some other persons started
abusing the complainant and her mother and when they questioned

them then Bhagwan Dass and the other persons with him raised a ~~halkara~~ and stated that she should not be spared and the persons named by the complainant forcibly entered their house. Some of them were drunk and with an intention to outrage her modesty her clothes were torn. The complainant had also given the motive for the attack.

The police registered the case and filed the challan against 13 persons including the petitioners. The accused pleaded not guilty and they were put on trial. Besides the complainant the Medical Officers and the police officials were examined.

The plea taken by the accused in the defence was that it was a case of false implication and complainant Anu Bala used to sell and buy poppy husk and a resolution was passed by the Panchayat. The trial Magistrate minutely examined the evidence and noted the injuries suffered by the complainant and rejected the defence and convicted some of the accused to sentence of one year and 6 months as fully detailed in para 23 of the order. All the sentences were ordered to run concurrently.

Aggrieved by the order an appeal was preferred. The Additional Sessions Judge vide order dated 13.07.2017 set aside the conviction under Section 354 IPC but maintained the conviction under Sections 451, 323 and 506 IPC but considering the fact that all the accused were first offenders and the offences were minor in nature, ordered the release of the appellants on probation for a period of one year. The First Appellate Court noted that the complainant and the appellants were neighbours and they had to live together in the same locality and it would be in the fitness of things that a chance be given to

them to live in peace.

I have heard the counsel for the revisionists.

The counsel has taken me through the judgments of both the Courts below but I do not find any illegality. The prosecution witnesses had categorically deposed about the incident and the role played by each accused. The complainant had suffered injuries which are noted in the MLR. The findings so far as the conviction are concerned are affirmed. The First Appellate Court has shown extreme leniency when it ordered release of the accused on probation. It is not a fit case for interference. The revision is dismissed.

(ANITA CHAUDHRY)
JUDGE

January 09, 2018
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No