

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

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**CRR-1783-2018 (O&M)
DATE OF DECISION: 21.05.2018**

ROCKY AND ORS.

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Nipun Vashist, Advocate
for the applicant/petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM-18729-2018

This application is for condonation of delay of 140 days
in filing the petition.

It is stated in the application that the
applicants/petitioners are poor persons, who did not have the
means to file an appeal and the delay has occurred in arranging
the litigation expenses.

Issue notice to the non-applicant/respondent.

At the asking of the Court, Mr. D.R. Singla, DAG,
Haryana accepts notice on behalf of the non-
applicant/respondent.

Heard.

The applicants/petitioners are poor persons. It took
some time for the applicants/petitioners to arrange litigation
expenses and, therefore, a delay of 140 days is stated to have

occurred. It would thus be in the interest of justice, if the delay is condoned and the petition is heard and decided on merits.

In view of the above, the application is allowed and the delay of 140 days in filing the petition is condoned.

MAIN CASE

The petitioners are seeking modification of the order dated 26.09.2017 passed by the Additional Sessions Judge, Rewari to the extent that the time, which was prescribed for depositing the compensation to the complainant/injured, be extended.

The petitioners had faced trial in FIR No.136 dated 05.06.2011, under Sections 323, 324, 34 IPC, registered at Police Station City Rewari. They were convicted by the trial Court and sentenced as under:-

Sr. No.	U/sec.	Sentence	Fine	In default of payment of fine
Rocky				
1.	323/34 IPC	1 year	1000/-	1 month SI.
2.	324/34 IPC	2 years RI	2,000/-	4 months SI
Gulu @ Prem Chand				
1.	323/34 IPC	1 year	1000/-	1 month SI
2.	324/34 IPC	2 years RI	2,000/-	4 months SI
Kocky @ Trilok Chand				
1.	323/34 IPC	1 year	1000/-	1 month SI
2.	324/34 IPC	2 years RI	2,000/-	4 months SI
Sonu @ Arun				
1.	323/34 IPC	1 year RI	1000/-	1 month SI

The judgment of the trial Court was challenged by the petitioners by preferring an appeal, whereby the lower Appellate Court, by the order dated 26.09.2017, after taking into account that they were first offenders and giving them the benefit of probation under Section 4 of the Probation of Offenders Act, 1958, had allowed the appeal of the petitioners and directed them to be released on probation by furnishing personal bonds in the sum of ₹ 20,000/- each with one surety in the like amount for a period of one year to the satisfaction of the Court. The petitioners were also directed to pay a sum of ₹ 2,000/- as compensation to the complainant/injured within a period of 01 month.

Learned counsel for the petitioners contends that the petitioners being illiterate could not understand the true import of the order of the lower appellate Court and, hence, could not deposit the amount of compensation within a period of one month as stipulated in the order dated 26.09.2017. He, however, contends that the amount of compensation has now been deposited on 12.03.2018.

Issue notice to the respondent.

At the asking of the Court, Mr. D.R. Singla, DAG, Haryana accepts notice on behalf of the respondent.

After hearing the learned counsel for the parties, I am of the considered opinion that it would be in the interest of justice, if the period for deposit of compensation is extended till 12.03.2018, whereon, the amount of compensation has been deposited by the petitioners. The petitioners are stated to be poor persons and did not understand the true import of the order.

Consequently, the petition is allowed and the period to deposit the amount of compensation, as directed by the lower Appellate Court, by the order dated 26.09.2017, shall be extended till 12.03.2018. The rest of the order dated 26.09.2017 shall remain the same.

21.05.2018

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**(ANUPINDER SINGH GREWAL)
JUDGE**

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