

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

205

CRR-1474-2008 (O&M)

Date of decision : 07.11.2019

Sudershan Parkash Sharma

... Petitioner

Versus

Rajesh Sharma and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. J.S. Khattar, Advocate for
Mr. Deepak Sharma, Advocate for the petitioner.

None for the respondents.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the judgment and order dated 05.07.2007 passed by the Additional Sessions Judge, Ambala, to the extent that the respondents after being convicted by the trial Court under Sections 148, 323 and 506 read with Section 149 IPC, have been given the benefit of probation under the Probation of Offenders Act.

Learned counsel for the petitioner contends that the respondents were also involved in other criminal cases prior to the date of incident and therefore, they could not have been given the benefit of probation.

The case of the prosecution is that on 01.11.2000 at about 07.30 pm, the respondents had caught hold of the father of the complainant and given him fist blows and the injuries were also caused to the son of the complainant. The MLR of the injured manifest that there were abrasions and contusions on various parts of the body. After recording the evidence, the trial Court had convicted five of the accused (respondents herein) under Sections 148, 323 and

506 read with Section 149 IPC and had imposed maximum sentence for a period of six months along with fine of Rs.100/- for each of the offence on each accused and one accused, namely, Harish Chander had been granted the benefit of probation keeping in view the age and disease suffered by him. In an appeal preferred by the respondents, the conviction was upheld but all the accused (respondents herein) were given the benefit of probation.

Heard.

The incident had taken place on 01.11.2000, over 19 years have lapsed since then. The injuries which were suffered by the injured were merely abrasions and contusions. There is no serious injury which was caused to them in the incident. The respondents are facing criminal proceedings for over 19 years. There is nothing adverse in the conduct of the respondents after they were granted the benefit of probation by the impugned order. It would also be unjust at this stage to interfere with the findings of the Appellate Court granting the benefit of probation to the respondents.

Consequently, I do not find any merit in this petition and the same is hereby dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

November 07, 2019
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No