

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

1. CRR-1844-2012 (O&M)
Date of decision : 05.09.2019

Leelu Khan

...Petitioner

Versus

State of Haryana

...Respondent

2. CRR-1866-2012 (O&M)
Date of decision : 05.09.2019

Munni Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarvesh Kumar Gupta, Advocate for
Mr. Ram Bilas Gupta, Advocate for the petitioner
(In CRR-1844-2012)

Mr. Manoj Kumar Sood, Advocate for the petitioner
(In CRR-1866-2012)

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

By this order, two criminal revision petitions bearing CRR-
1844-2012 and CRR-1866-2012 filed by Leelu Khan and Munni Devi, shall

stand disposed of.

Petitioners alongwith one Kamlesh were tried and convicted after having been held guilty for commission of offence punishable under Sections 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act, 1956 (hereinafter to be referred as to “the Act of 1956”).

In appeal, Smt. Kamlesh was acquitted by the Court. Conviction against the petitioners herein under Sections 5 and 6 of the Act of 1956 was also set aside.

Learned Additional Sessions Judge has convicted the petitioners under Sections 3 and 4 of the Act of 1956 and sentenced them to undergo rigorous imprisonment for a period of 6 months with fine of ₹500/-, vide judgment dated 05.06.2012.

Although, learned counsel for the petitioner made sincere attempt, however, could not persuade this Court to interfere in the judgment of conviction passed by the trial Court, affirmed by the learned Additional Sessions Judge.

However, learned counsel for the petitioner has come up with alternative argument. He submits that the petitioners are first time offenders and after the date of conviction also, there is no other case under the Act of 1956, during the last 7 years when the petitioners were on bail.

Learned counsel for the State, on instructions from SI Zakir Hussain, has informed the Court that Leelu Khan has already undergone sentence of 2 months and 13 days whereas Munni Devi has already undergone sentence of more than 4 months. In other words, major part of

the sentence has already been undergone by the petitioners. The attention of the Court was not drawn to any provision of the Act which may prohibit the Court to exercise powers under Section 360 Cr.P.C. to release the convict on probation.

Keeping in view the facts and circumstances of the present case while upholding the judgment of conviction, it is considered appropriate to release the petitioners on probation. They shall enter into bond, with surety for a sum of ₹50,000/- to appear and receive sentence when called upon during a period of 2 years. They shall also, in the meantime, keep the peace and be of good behaviour.

In view of the above, both the petitions are disposed of.

05.09.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**