

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2613-2016

Date of decision: 13.02.2019

Pardeep Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Rau PS Girwar, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision challenge has been laid to the judgment of Ist Appellate Court dated 06.05.2016, whereby sentences of the accused-respondents No. 2 to 5, namely; Anita Rani, Sakhwant Kaur, Kulwant Singh @ Laddu and Rajinder Kumar @ Bittu, was converted into probation for a period of one year.

In nutshell, respondents No. 2 to 5 were booked and tried in case FIR No. 03 dated 02.01.2004, under Sections 452, 427, 506, 323 & 325 read with Section 34 IPC, on the allegations that on 31.12.2003, they attacked and caused multiple injuries to complainant-Pardeep Kumar and his old aged mother. After holding trial, the trial Court vide judgment of conviction and order of sentence dated 31.07.2014, held them guilty under Sections 148, 452, 427, 323 and 325 read with Section 149 IPC and

sentenced as under:-

Name	Offence under Section	Punishment	Fine	In default of payment of fine
Kulwant Singh	148 IPC	RI for 1 year	Rs.500/-	RI for 10 days.
	452 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	325 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	323 IPC	RI for 6 months	Rs.500/-	RI for 10 days
	427 IPC	RI for 3 months		
Rajinder Kumar	148 IPC	RI for 1 year	Rs.500/-	RI for 10 days.
	452 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	325 read with 149 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	323 IPC	RI for 6 months	Rs.500/-	RI for 10 days
	427 IPC	RI for 3 months		
Sukhwant Kaur	148 IPC	RI for 1 year	Rs.500/-	RI for 10 days.
	452 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	325 read with 149 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	323 IPC	RI for 6 months	Rs.500/-	RI for 10 days
	427 IPC	RI for 3 months		
Anita Rani	148 IPC	RI for 1 year	Rs.500/-	RI for 10 days.
	452 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	325 read with 149 IPC	RI for 1 year	Rs.1000/-	RI for 20 days
	323 IPC	RI for 6 months	Rs.500/-	RI for 10 days
	427 IPC	RI for 3 months		

Being aggrieved, respondents No. 2 to 5 have preferred

appeal before the Ist Appellate Court, who vide impugned judgment dated 06.05.2016, upheld their conviction, but modified the order of their sentence into probation for a period of one year under Section 4(1) of the Probation of Offenders Act, 1958 (for short-'the Act').

Learned counsel *inter alia* referring to Section 4 of the Act contends that the Ist Appellate Court ought to have grant some compensation to the complainant and his old aged mother, who had spent a lot for their treatment, on account of injuries caused to them by the private respondents. Though, the Ist Appellate Court, directed private respondents 2 to 5 to pay Rs.5000/- each as costs of prosecution, but did not award any compensation to the petitioner. One of the private respondents i.e. respondent No. 2-Anita Rani, perhaps had died.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner, this Court is in agreement with learned counsel for the petitioner that some compensation ought to have been granted by the Ist Appellate Court, while releasing respondents No. 2 to 5, on probation, to compensate the petitioner and his old aged mother against the amount, which they have spent on their treatment for their injuries caused by respondents No. 2 to 5.

Considering this aspect of the matter and in the fitness of things, the impugned judgment of the Ist Appellate Court dated 06.05.2016, ordering respondents No. 2 to 5 to deposit Rs.5000/- each as costs of prosecution, is modified to the extent that the same be paid to the petitioner and his old aged mother as compensation in equal shares.

The trial Court is directed to recover the said costs as ordered

by the Ist Appellate Court, if, not paid for, disbursement of the same to the petitioner and his mother in equal shares. In case, respondents No. 2 to 5 have already deposited the said costs, in that eventuality, the same shall be refunded to them by adopting appropriate procedure.

The instant revision stands disposed of, accordingly.

February 13, 2019

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No