

CRR-4817 of 2017 (O&M)

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

CRR-4817 of 2017 (O&M)
Date of Decision: 28.03.2019

Dharmender

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Bhavna Thakur, Advocate,
for Mr. M.K. Garg, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant revision, petitioner-complainant has sought enhancement of sentence of respondents No.2 to 9 (in short 'private respondents') under Sections 148, 427/149 IPC and their conviction under Section 506 IPC.

In nutshell, private respondents were booked and tried in case FIR No.418 dated 25.11.2008 registered under Sections 147, 149, 427, 506 IPC on the allegations that on 24.11.2008, they damaged petitioner's crop with the help of tractor and when his partner Raja and Paramjeet etc. stopped them from doing so, they were also threatened with dire consequences.

After holding trial, private respondents were held guilty by the trial Court under Sections 148 and 427/149 IPC vide judgment of conviction dated 04.02.2015 and sentenced to pay fine of ₹1,000/- each for both offences, which was paid. Half of the fine amount was ordered to be paid as compensation.

Being aggrieved, petitioner preferred appeal, but remained

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unsuccessful as his appeal was dismissed by the Appellate Court vide judgment dated 03.10.2017.

Learned counsel for the petitioner *inter alia* contends that compensation awarded to the petitioner is quite meagre. Both the Courts below failed to appreciate that valuable crop of the petitioner was burnt by private respondents in his absence and threatened his partners. Therefore, they were liable to be convicted under Section 506 IPC.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this revision.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

This Court is not inclined to differ with the well reasoned judgments of both the Courts below, which are based on appreciation of evidence.

Dismissed.

March 28, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No