

CRR-2650 of 2018

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

CRR-2650 of 2018
Date of Decision: 28.02.2019

Mukesh

....Petitioner

Versus

Amar Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Devender Arya, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant revision, petitioner-complainant has laid challenge to judgment dated 20.02.2018 of the Appellate Court, whereby it upheld the judgment of conviction dated 18.01.2017 of the trial Court, holding respondents guilty under Sections 323 and 325 read with Section 34 IPC, but modified the order of sentence dated 20.01.2017, sentencing them to undergo rigorous imprisonment for six months and pay fine of Rs.500/- each under Section 323 read with Section 34 IPC; in default of payment of fine to undergo simple imprisonment for fifteen days and to undergo rigorous imprisonment for two years and pay fine of Rs.1000/- each under Section 325 read with Section 34 IPC; in default of payment of fine to undergo simple imprisonment for one month, into their probation on their furnishing probation bonds in the sum of Rs.20,000/- each with one surety in the like amount for one year for the date of furnishing bonds, besides payment of compensation of Rs.5,000/- each to the injured.

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sentenced in the manner as narrated above in the opening part of the judgment on the allegations that in the night of 02.07.2012, respondents caused injuries to petitioner-complainant and her husband with lathis and sticks, besides giving leg blows on her lower abdominal part, including genitalia and fist blows on her breast by the trial Court vide judgment of conviction dated 18.01.2017 and order of sentence dated 20.01.2017.

Being aggrieved, respondents approached the Appellate Court, whereby they did not challenge their conviction part, but sought leniency in the matter of their sentence. Consequently, the Appellate Court converted sentence of the respondents into probation vide impugned judgment dated 20.02.2018, as above.

Learned counsel for the petitioner *inter alia* contends that compensation awarded to the petitioner by the trial Court and the Appellate Court is disproportionate to the injuries suffered by her. Respondents have filed a frivolous complaint against the petitioner, her husband and other family members for the same occurrence after two years, in which they have been summoned. Therefore, the Appellate Court ought not to have released the respondents on probation.

There is no embargo for the Court to release an accused on probation to give him a chance to reform. Respondents are first offenders. Learned counsel for the petitioner has failed to show that respondents ever violated the terms and conditions of the probation bonds or have been booked in some other criminal case, till date. Compensation of Rs.45,000/- awarded to the petitioner and her husband has already been deposited by the respondents.

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Appellate Court.

Dismissed.

February 28, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No