

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2879-2019(O&M)
Date of decision: 12.12.2019

Neeta

.....Petitioner

Versus

Sonu and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rakesh Bakshi, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

Present revision petition has been filed by the first informant-victim against order passed by the learned Court of Sessions granting the convicts benefit of probation. Learned Court of Sessions has taken into consideration following grounds:-

“(i) It is not a matter of dispute that the incident has taken place on 16.1.2012 and the accused had already faced the pangs and suffered the agony of protracted trial and appeal for the last about 7 years.

(ii) They are first offenders and there is no history of their previous conviction.

(iii) They have been leading a life of peaceful citizens in the locality.

(iv) There is no legal impediment to release them on probation.

(v) They are prepared to pay

compensation/ costs of litigation.

(vi) Even the modern trend of penology also leans towards the reformation of the offenders, so as to make them useful citizens of the society. No useful purpose was going to be achieved by again sending them to Jail.”

This Court has heard learned counsel for the petitioner. He has submitted that the convicts are habitual offenders. He further submits that the amount of compensation has not been ordered to be paid to the petitioner herein.

Learned counsel for the petitioner, although made sincere attempt, however, failed to draw attention of the Court to any material or evidence which proves that the convicts are habitual offenders. Learned Court of Sessions has specifically recorded that they are first offenders, having no history of their previous conviction.

As regards compensation, the Court below in the facts of the case has ordered deposit of the same with District Legal Services Authority. This Court does not find any reason to interfere with the aforesaid discretion.

Hence, dismissed.

12.12. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No