

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

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**CRR-2464-2017 (O&M)
Date of Decision: 26.08.2019.**

Pradeep Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Satya Vir Singh Yadav, Advocate for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

Shekher Dhawan, J.

CRM-22032-2017

For the reasons mentioned in the application, delay of 39 days in filing the present revision petition is condoned.

CRM stands disposed of.

CRR-2464-2017

Present revision petition is directed against the judgment dated 19.01.2017 passed by learned Additional Sessions Judge, Rewari and judgment of conviction dated 05.05.2015 and order of sentence dated 07.05.2015 passed by learned Judicial Magistrate Ist Class, Kosli, whereby the petitioner was convicted for the offence punishable under Sections 323, 325, 452 read with Section 34 of IPC and was ordered to be released on probation.

At the time of arguments, learned counsel for the petitioner contended that the petitioner, who is 29 years of age, is claiming the only relief that his conviction and release on probation may not be termed as disqualification for appointment of the petitioner in any way, as per provisions of Section 12 of the Probation of Offenders Act, 1958.

For ready reference, Section 12 of the Probation of Offenders Act, 1958 is reproduced hereunder:-

12. Removal of disqualification attaching to conviction.—
Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of Section 3 or Section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law;

Provided that nothing in this Section shall apply to a person who, after his release under Section 4 is subsequently sentenced for the original offence.”

Learned State counsel has stated that she has no objection if conviction and release of the petitioner on probation is not termed as disqualification in any way for his appointment.

Having considered the above limited prayer having been made by counsel for the petitioner and in view of the provisions of Section 12 of the Probation of Offenders Act, 1958, the present petition is disposed of with direction that conviction of the petitioner and his release on probation in the present case shall not be termed as disqualification in any way for appointment of the petitioner.

(SHEKHER DHAWAN)
JUDGE

26.08.2019
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