

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

235

CRR-5079-2018 (O & M)
Date of Decision:28.05.2019

Phool Singh

...Petitioner

Versus

Amar Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.R. Yadav, Advocate
for the petitioner.

MANOJ BAJAJ, J.

The petitioner/complainant is aggrieved against the judgment dated 17.02.2017 passed by the learned trial Court whereby respondent No.1 has been convicted for the commission of offence punishable under Sections 420, 465, 468 and 471 IPC, but was released on probation for a period of one year under the Probation of Offenders Act, 1958. Against the said judgment, the complainant/petitioner approached the learned Appellate Court challenging the abovesaid quantum of sentence. However, the learned Appellate Court vide judgment dated 01.06.2018 dismissed the appeal of the complainant/petitioner. Hence, the present revision petition.

Learned counsel for the complainant/petitioner contends that the learned Courts below have committed a material illegality while passing the impugned judgments. He further contends that the challenge is only to the sentence part awarded by the trial Court vide which accused/respondent No.1 was released on probation for a period of one year. .

With the assistance of the learned counsel for the petitioner, I have gone through the judgment of conviction and order of sentence passed by the learned trial Court, whereby it has given the valid reasons for extending the said benefit. The relevant extract reads as under:-

“In the present case also, accused had faced agony of trial and there is no indication in the evidence of the prosecution that the accused was already convicted for any offence and under these circumstances, keeping in view the reformatory trend of modern penology, I find it a fit case where accused person should be given benefit of Probation of Offenders Act, in order to provide him an opportunity to reform himself, regard being had to his age, character and antecedents and the circumstances of offence committed, it is considered expedient that he should be released on probation of good conduct upon entering into bonds in the sum of Rs.40,000/- of peace and good behaviour/conduct for a period of one year with one surety in the like amount.

During the said period, if there is any violation of peace and good behaviour in the conduct of aforementioned convict, he is directed to receive his sentence as and when called.”

A perusal of the above reveals that the concession is extended on sound judicial principles. No material has been brought to the notice of this Court to indicate that the convict was previously convicted in some other case as well.

This Court does not find any illegality or impropriety in the impugned judgments passed by the Courts below, therefore, no interference is called for.

The present petition is dismissed.

28.05.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No