

118.

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

CRR-79-2021

Date of decision: 02.03.2021.

ASHISH KUMAR

... Petitioner

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Pawan Kumar Hooda, Advocate,
for the petitioner.

HARI PAL VERMA, J. *(Oral)*

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Petitioner has filed the present revision petition under Section 401 Cr.P.C. against the impugned judgment dated 03.11.2020 passed by the learned Sessions Judge, Panipat whereby the learned appellate Court has released respondents No.2 to 4 on probation and awarded Rs.30,000/- as compensation i.e. Rs.10,000/- each from each accused.

Counsel for the petitioner submits that apart from the fact that very meagre amount of compensation has been awarded, the injury caused on the person of the petitioner was serious enough as the same was given with sharp edged weapon on the chest of the petitioner and that too on petty issue.

I have heard counsel for the petitioner.

The Hon'ble Apex Court in the case of ***Johar and others Versus M/s Mangal Prasad and another-2008(3) SCC 423***, while dealing with the scope of interference by High Court in the revisional jurisdiction, has observed as under:

“17. The approach of the High Court to the entire case cannot be appreciated. The High Court should have kept in mind that while exercising its revisional jurisdiction under Sections 397 and 401 of the Code of Criminal Procedure, it exercises a limited power. Its jurisdiction to entertain a revision application, although is not barred, but severally restricted, particularly when it arises from a judgment of acquittal.”

Apart from the fact that scope in the revisionary jurisdiction is very limited, this Court does not find any illegality in the judgment passed by the learned Sessions Judge whereby the learned appellate Court has dismissed the appeal filed by the respondents though has modified the order as regard the quantum of sentence. The relevant para of the judgment passed by the learned Sessions Judge reads as under:-

“15. Resultantly, the appeal is dismissed so far as the point of conviction of the appellants-convicts is concerned, except with the modification in the order on the quantum of sentence. The order of sentence is modified. Instead of immediate imprisonment, the appellants-convicts are ordered to be released on probation under Section 4 of the Probation of Offenders Act, 1958 read with Section 360 of the Code of Criminal Procedure, subject to their entering into probation bonds in the sum of Rs.50,000/- each with one surety in the like amount each, without supervision, for a period of one year and to keep peace and be of good behaviour in the meantime. Appellants-convicts are further directed to pay a compensation

to the tune of Rs.10,000/- each i.e. a total compensation of Rs.30,000/- before the learned Trial Magistrate which would be deposited under the relevant head of the Govt. treasury. The amount of compensation be disbursed to complainant-injured Ashish Kumar, after issuing notice to him by the learned Trial Court. The requisite compliance be made on or before 11.11.2020 before the learned Trial/Duty Magistrate, failing which the appeals shall be deemed to be dismissed in toto. Lower court record be sent back along with a copy of this judgment directing it to give notice regarding deposit of compensation amount to the above named complainant/injured and on his appearance to disburse the same to him. The Trial Court shall also send intimation regarding disbursement of amount of compensation to the complainant/injured to this court. A certified copy of this judgment be kept in files of Criminal Appeal No.388 of 2019 titled 'Anil Vs. State of Haryana' and Criminal Appeal No.392 of 2019 titled 'Ravinder Vs. State of Haryana'. After due compliance, file be consigned to record-room."

In view of the fact that the petitioner has adequately been compensated and the scope of revisionary jurisdiction is very limited, no case for interference is made out.

Accordingly, the revision petition is dismissed.

(HARI PAL VERMA)
JUDGE

02.03.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.