

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRR No.829 of 2021 (O&M)
Date of Decision : 08.10.2021

Manjit Kaur

...Petitioner

Versus

The State (Court on its own Motion)

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Partap Singh, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present criminal revision petition has been filed against the order dated 12.05.2016 passed by the Chief Judicial Magistrate, Karnal convicting the petitioner under Section 193 IPC for perjury as the petitioner tendered two different statements on oath regarding the same allegations of the same incident as well as order dated 19.07.2021 passed by the District and Sessions Judge, Karnal whereby, the appeal preferred by the petitioner against the judgment of conviction, has been rejected.

Learned counsel for the petitioner submits that he is not challenging the conviction but, prays that as the petitioner is a lady with two children of tender age, she should be granted the benefit of probation.

Learned counsel for the petitioner submits that though, the said prayer for the grant of benefit of probation was raised before the Courts below but, the same has not been considered in a correct perspective and

the appeal filed by the petitioner has wrongly been rejected by the lower Appellate Court. Learned counsel for the petitioner prays that as the petitioner fulfills all the ingredients of Section 360 of Cr.P.C for the grant of probation, therefore, this Court by exercising its power under Section 360(4) of the Cr.P.C may kindly grant the said benefit of probation to the petitioner.

Learned State counsel argues that keeping in view the facts and circumstances of this case, the intent of the petitioner was to mislead the Court hence, a clear and a strong message should be sent that a person who tries to mislead the Court is dealt with stern action therefore, the prayer of the petitioner for the grant of benefit of probation may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Learned counsel for the petitioner has stated on bar that the petitioner is not challenging the conviction and only prayer of the petitioner is for the grant of probation keeping in view the facts and circumstances of this case.

The prayer of the petitioner for the grant of probation is to be seen in the light of the conduct of the petitioner and the charge, for which the petitioner has been convicted. The petitioner has been convicted of giving false evidence during judicial proceedings, which is a very serious matter. Anyone who interferes with the judicial process in any manner does not deserve the grant of probation. For the grant of probation, the conduct of the convict is an important factor. In the present case, the petitioner has given two different statements on oath on the same allegations in the same proceedings and the person had to suffer incarceration because of the

actions of the petitioner, hence, no fault can be found with the orders passed by the Courts below declining the prayer of the petitioner for the grant of probation.

Faced with this situation, learned counsel for the petitioner submits that the petitioner is a young lady with two minor children, who are also suffering because the petitioner is unable to take care of them and the present is a first offence by the petitioner and she regrets her actions and, therefore, to mitigate the difficulties of the minor kids, the sentence awarded to the petitioner may kindly be reduced to already undergone.

Keeping in view the facts and circumstances of the present case and present being a first offence committed by the petitioner and in order to mitigate the hardship being faced by the minor children of the petitioner, who are also suffering due to incarceration of the petitioner and also in view of the fact that the petitioner has expressed remorse over her actions, the sentence awarded by the Chief Judicial Magistrate, Karnal vide order dated 12.05.2016 is reduced to three months. Fine imposed will remain as it is.

The present criminal revision petition stands disposed of in above terms.

CRM-24697-2021

Keeping in view the order passed in the main criminal revision petition, the present application has been rendered infructuous and is disposed of as such.

October 8, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No