

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

228

**CRR-393-2021(O&M)**  
Reserved on : **08.03.2022**  
Pronounced on:14/03/2022

**NARENDER AND OTHERS**

....Petitioners

**Versus**

**STATE OF HARYANA**

...Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Argued by : Mr. Pardeep Virk, Advocate and  
Mr. Kamal Deep Sehra, Advocate  
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

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**VINOD S. BHARDWAJ. J.**

The instant petition has been preferred against the judgment of conviction dated 01.09.2017 and order of sentence dated 05.09.2017 passed by Judicial Magistrate 1<sup>st</sup> Class, Faridabad and the judgment dated 02.03.2021 passed by Additional Sessions Judge, Faridabad. Vide the impugned judgments the petitioners have been convicted for committing offences punishable under Section 323, 325, 341 read with 34 of the IPC as under:-

| <i>Under Section</i>              | <i>Quantum of sentence</i>                  |
|-----------------------------------|---------------------------------------------|
| <i>323 IPC r/w Section 34 IPC</i> | <i>One month RI</i>                         |
| <i>325 IPC r/w Section 34 IPC</i> | <i>One year RI and Rs.1,000/- fine each</i> |
| <i>341 IPC r/w Section 34 IPC</i> | <i>One month RI</i>                         |

*All the sentence run concurrently.*

*In default of payment of fine, he shall undergo imprisonment for one month. Fine paid, Both the sentence shall run concurrently.*

2. The matter had come up for initial hearing on 20<sup>th</sup> April, 2021

wherein, the counsel for the petitioners had urged that despite the petitioners not being previous convicts and having been sentenced to undergo imprisonment of 01 year, the claim of the petitioners for release on probation in accordance with the law, has not been considered. Even at the stage of final arguments, counsel for the petitioners reiterated his submission that the petitioners do not intend to raise a challenge to the judgment of conviction and would restrict the claim to the sentence part only and pray for being extended the concession of probation as the petitioners are not previous convicts and their case ought to have been considered in terms of provisions contained in Section 360 CrPC as well as in light of provisions contained in Section 4 the Probation of Offenders Act, 1958.

3. *Per contra*, learned State counsel has defended the orders passed by the Courts below and held that the petitioners are not entitled to the concession of being released on probation and that the request of probation was declined by the trial Court with view to balance the aggravating and mitigating circumstances. Hence, an order in terms of section 361 CrPC, declining the concession of probation has been passed by the trial Court and there is no valid reason why the said reasons be not accepted by the Court.

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

5. As the merits of the case are not under challenge, hence, the limited dispute that arises for consideration before this Court relates to the quantum of sentence to be awarded to the petitioners and as to whether sufficient mitigating circumstances exist for extending probation to the petitioners or not. However, a brief reference to the facts of the case is being made in order to appreciate the controversy involved in the instant case:-

(i) The proceedings resulting in registration of the instant case arise on the

Authority of India Limited;

- (ii) It is alleged that on 15.04.2021, while the complainant was returning from his duty, he had a verbal altercation with accused Narender;
- (iii) Thereafter, when he reached near petrol pump, the accused persons/petitioners attacked him;
- (iv) Complaint in this regard was made to the police after medical examination;
- (v) Charge was framed for the offences in question;
- (vi) Six witnesses were examined by the prosecution to prove their case including the injured;
- (vii) Upon examination of the evidence and the testimony of the witnesses, the petitioners were convicted vide judgment dated 01.09.2017 and sentenced to undergo imprisonment for 01 year with fine of Rs.1,000/- each, vide order of sentence dated 05.09.2017 passed by Judicial Magistrate 1<sup>st</sup> Class, Faridabad;
- (viii) The prayer of the petitioners for seeking probation was summarily dismissed without assigning any valid reasons;
- (ix) The consequent appeal was also dismissed by the Additional Sessions Judge, Faridabad vide judgment dated 02.03.2021 and the judgment of conviction dated 01.09.2017 and order of sentence dated 05.09.2017 was affirmed;

6. Before proceeding further in the matter, it would be appropriate to refer to the statutory provisions relating to probation. Sections 360 and 361 of the Criminal Procedure Code are reproduced hereinbelow:-

***'360. Order to release on probation of good conduct or after admonition.***

*(1) When any person not under twenty- one years of age is convicted of an offence punishable with fine only or with imprisonment for a term of seven years or less, or when any person under twenty- one years of age or any woman is-*

*convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct and in the meantime to keep the peace and be of good behaviour: Provided that where any first offender is convicted by a Magistrate of the second class not specially empowered by the High Court, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in the manner provided by sub- section (2).*

*(2) Where proceedings are submitted to a Magistrate of the first class as provided by sub- section (1), such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.*

*(3) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code (45 of 1860 ), punishable with not more than two years' imprisonment or any offence punishable with fine only and no previous conviction is proved against him, the Court before which he is so convicted may, if it thinks fit,*

*having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.*

*(4) An order under this section may be made by any Appellate Court or by the High Court or Court of Session when exercising its powers of revision.*

*(5) When an order has been made under this section in respect of any offender, the High Court or Court of Session may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law: Provided that the High Court or Court of Session shall not under this sub- section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.*

*(6) The provisions of sections 121, 124 and 373 shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.*

*(7) The Court, before directing the release of an offender under sub- section (1), shall be satisfied that an offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.*

*(8) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.*

*(9) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned*

*on his appearing for sentence and such Court may, after hearing the case, pass sentence.*

*(10) Nothing in this section shall affect the provisions of the Probation of Offenders Act, 1958 (20 of 1958 ), or the Children Act, 1960 (60 of 1960 ), or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders.*

***361. Special reasons to be recorded in certain cases. Where in any case the Court could have dealt with,-***

*(a) an accused person under section 360 or under the provisions of the Probation of Offenders Act, 1958 (20 of 1958 ), or*

*(b) a youthful offender under the Children Act, 1960 (60 of 1960 ), or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders, but has not done so, it shall record in its judgment the special reasons for not having done so.*

7. Further Section 4 and 5 of the Probation of Offenders Act, 1958 read thus:-

***4. Power of court to release certain offenders on probation of good conduct.—(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the court may direct, and in the meantime to keep the peace and be of good behaviour:***

*Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if*

*any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.*

*(2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.*

*(3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the offender.*

*(4) The court making a supervision order under sub-section (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.*

*(5) The court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.*

**5. Power of court to require released offenders to pay compensation and costs.**—*(1) The court directing the release of an offender under section 3 or section 4, may, if it thinks fit, make at the same time a further order directing him to pay—*  
*(a) such compensation as the court thinks reasonable for loss or*

*injury caused to any person by the commission of the offence;  
and*

*(b) such costs of the proceedings as the court thinks reasonable.*

*(2) The amount ordered to be paid under sub-section (1) may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.*

*(3) A civil court trying any suit, arising out of the same matter for which the offender is prosecuted, shall take into account any amount paid or recovered as compensation under sub-section (1) in awarding damages.*

### **Parameters and Principles of Sentencing:**

8. The Hon'ble Supreme Court has laid down certain principles to govern the Courts in the matter of sentencing. Reference in this regard is made to the judgment of the Hon'ble Supreme Court in the matter of **State of Punjab Vs. Prem Sagar & Ors (2008) 7 SCC 550**, the relevant extract of the said judgment is reproduced hereinbelow:-

*'Whether the court while awarding a sentence would take recourse to the principle of deterrence or reform or invoke the doctrine of proportionality, would no doubt depend upon the facts and circumstance of each case.*

*5. While doing so, however, the nature of the offence said to have been committed by the accused plays an important role. The offences which affect public health must be dealt with severely. For the said purpose, the courts must notice the object for enacting Article 47 of the Constitution of India.*

*6. There are certain offences which touch our social fabric. We must remind ourselves that even while introducing the doctrine of plea bargaining in the Code of Criminal Procedure, certain types of offences had been kept out of the purview thereof. While imposing sentences, the said principles should be borne in mind.*

*7. A sentence is a judgment on conviction of a crime. It is resorted to after a person is convicted of the offence. It is the ultimate goal of any justice delivery system. The Parliament,*

*however, in providing for a hearing on sentence, as would appear from Sub-section (2) of Section 235, Sub-section (2) of Section 248, Section 325 as also Sections 360 and 361 of the Code of Criminal Procedure, has laid down certain principles. The said provisions lay down the principle that the court in awarding the sentence must take into consideration a large number of relevant factors; sociological backdrop of the accused being one of them.*

*8. Although a wide discretion has been conferred upon the court, the same must be exercised judiciously. It would depend upon the circumstances in which the crime has been committed and his mental state. Age of the accused is also relevant.*

*9. What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing. Whereas the quantum of punishment for commission of a similar type of offence varies from minimum to maximum, even where same sentence is imposed, the principles applied are found to be different. Similar discrepancies have been noticed in regard to imposition of fine.*

*10. In Dhananjoy Chatterjee Alias Dhana v. State of W.B. [(1994) 2 SCC 220], this Court held:*

*"15...Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime..."*

*11. Gentela Vijayavardhan Rao and Another v. State of A.P. [(1996) 6 SCC 241], following Dhananjoy Chatterjee (supra), states the principles of deterrence and retribution but the same cannot be categorized as right or wrong. So much depends upon the belief of the judges.*

*12. In a recent decision in Shailesh Jasvantbhai and Another v. State of Gujarat and Others [(2006) 2 SCC 359], this Court*

opined:

*“7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of "order" should meet the challenges confronting the society. Friedman in his Law in Changing Society stated that: "State of criminal law continues to be--as it should be--a decisive reflection of social consciousness of society." Therefore, in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.*

*Relying upon the decision of this Court in Sevaka Perumal v. State of T.N. [(1991) 3 SCC 471], this Court furthermore held that it was the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed etc.*

*18. Don M. Gottfredson in his essay on "Sentencing Guidelines" in "Sentencing: Hyman Gross and Andrew von Hirsch" opines:*

*"It is a common claim in the literature of criminal justice- and*

*indeed in the popular press- that there is considerable "disparity" in sentencing.. The word "disparity" has become a prerogative and the concept of "sentencing disparity" now carries with it the connotation of biased or insidious practices on the part of the judges. This is unfortunate in that much otherwise valid criticism has failed to separate justified variation from the unjustified variation referred to as disparity. The phrase "unwarranted disparity" may be preferred; not all sentencing variation should be considered unwarranted or disparate. Much of it properly reflects varying degrees of seriousness in the offense and/or varying characteristics of the offender. Dispositional variation that is based upon permissible, rationally relevant and understandably distinctive characteristics of the offender and of the offense may be wholly justified, beneficial and proper, so long as the variable qualities are carefully monitored or consistency and desirability over time. Moreover, since no two offenses or offenders are identical, the labeling of variation as disparity necessarily involves a value judgment- that is, disparity to one person may be simply justified variation to another. It is only when such variation takes the form of differing sentences for similar offenders committing similar offenses that it can be considered disparate."*

*[Emphasis supplied]*

*The learned author further opines:*

*"In many jurisdictions, judicial discretion is nearly unlimited as to whether or not to incarcerate an individual; and bound only by statutory maxima, leaving a broad range of discretion, as to the length of sentence."*

*19. Kevin R. Reitz in Encyclopedia of Crime and Justice, Second edition "Sentencing guidelines" states:*

*"All guideline jurisdictions have found it necessary to create rules that identify the factual issues at sentencing that must be resolved under the guidelines, those that are potentially*

*relevant to a sentencing decision, and those viewed as forbidden considerations that may not be taken into account by sentencing courts. One heated controversy, addressed differently across jurisdictions, is whether the guideline sentence should be based exclusively on crimes for which offenders have been convicted ("conviction offenses"), or whether a guideline sentence should also reflect additional alleged criminal conduct for which formal convictions have not been obtained ("nonconviction offenses").*

*Another difficult issue of fact-finding at sentence for guideline designers has been the degree to which trial judges should be permitted to consider the personal characteristics of offenders as mitigating factors when imposing sentence. For example: Is the defendant a single parent with young children at home? Is the defendant a drug addict but a good candidate for drug treatment? Has the defendant struggled to overcome conditions of economic, social or educational deprivation prior to the offense? Was the defendant's criminal behavior explicable in part by youth, inexperience, or an unformed ability to resist peer pressure? Most guideline states, once again including all jurisdictions with voluntary guidelines, allow trial courts latitude to sentence outside of the guideline ranges based on the judge's assessment of such offender characteristics. Some states, fearing that race or class disparities might be exacerbated by unguided consideration of such factors, have placed limits on the list of eligible concerns. (However, such factors may indirectly affect the sentence, since judges are permitted to base departures on the offenders particular "amenability" to probation (Frase, 1997).)"*

*20. Andrew von Hirsch and Nils Jareborg have divided the process of determining sentence into stages of determining proportionality while determining a sentence, namely:*

*1. What interest are violated or threatened by the standard case*

*of the crime- physical integrity, material support and amenity, freedom from humiliation, privacy and autonomy.*

*2. Effect of violating those interests on the living standards of a typical victim- minimum well-being, adequate well-being, significant enhancement*

*3. Culpability of the offender*

*4. Remoteness of the actual harm as seen by a reasonable man.'*

9. The said issue was also examined by the Hon'ble Supreme Court in the matter of **Soman Vs. State of Kerala, (2013) 11 SCC 382**, the relevant extract of the said judgment is reproduced hereinbelow:-

*'15. Giving punishment to the wrongdoer is at the heart of the criminal justice delivery, but in our country, it is the weakest part of the administration of criminal justice. There are no legislative or judicially laid down guidelines to assist the trial court in meting out the just punishment to the accused facing trial before it after he is held guilty of the charges. In State of Punjab v. Prem Sagar (2008) 7 SCC 550, this Court acknowledged as much and observed as under –*

*“2. In our judicial system, we have not been able to develop legal principles as regards sentencing. The superior courts except making observations with regard to the purport and object for which punishment is imposed upon an offender, have not issued any guidelines. Other developed countries have done so. At some quarters, serious concerns have been expressed in this behalf. Some committees as for example Madhava Menon Committee and Malimath Committee have advocated introduction of sentencing guidelines.”*

*16. Nonetheless, if one goes through the decisions of this Court carefully, it would appear that this Court takes into account a combination of different factors while exercising discretion in sentencing, that is proportionality, deterrence, rehabilitation etc. (See: Ramashraya Chakravarti v. State of Madhya Pradesh (1976) 1 SCC 281, Dhananjay Chatterjee alias Dhana v. State*

*of W.B. (1994) 2 SCC 220, State of Madhya Pradesh v. Ghanshyam Singh (2003) 8 SCC 13, State of Karnataka v. Puttaraja (2004) 1 SCC 475, Union of India v. Kuldeep Singh (2004) 2 SCC 590, Shailesh Jasvantbhai and another v. State of Gujarat and others (2006) 2 SCC 359, Siddarama and others v. State of Karnataka (2006) 10 SCC 673, State of Madhya Pradesh v. Babulal (2008) 1 SCC 234, Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra (2009) 6 SCC 498)*

*14. In a proportionality analysis, it is necessary to assess the seriousness of an offence in order to determine the commensurate punishment for the offender. The seriousness of an offence depends, apart from other things, also upon its harmfulness. The question is whether the consequences of the offence can be taken as the measure for determining its harmfulness? In addition, quite apart from the seriousness of the offence, can the consequences of an offence be a legitimate aggravating (as opposed to mitigating) factor while awarding a sentence. Thus, to understand the relevance of consequences of criminal conduct from a Sentencing standpoint, one must examine: (1) whether such consequences enhanced the harmfulness of the offence; and (2) whether they are an aggravating factor that need to be taken into account by the courts while deciding on the sentence.*

*26. Punishment should acknowledge the sanctity of human life. We fully agree.*

*27. From the above, one may conclude that:*

*27.1. Courts ought to base sentencing decisions on various different rationales – most prominent amongst which would be proportionality and deterrence.*

*27.2. The question of consequences of criminal action can be relevant from both a proportionality and deterrence standpoint.*

*27.3. Insofar as proportionality is concerned, the sentence must be commensurate with the seriousness or gravity of the offence.*

*27.4. One of the factors relevant for judging seriousness of the offence is the consequences resulting from it.*

*27.5. Unintended consequences/harm may still be properly attributed to the offender if they were reasonably foreseeable. In case of illicit and underground manufacture of liquor, the chances of toxicity are so high that not only its manufacturer but the distributor and the retail vendor would know its likely risks to the consumer. Hence, even though any harm to the consumer might not be directly intended, some aggravated culpability must attach if the consumer suffers some grievous hurt or dies as result of consuming the spurious liquor.*

**ANALYSIS:**

10. In light of the facts of the case in hand and principles of law as afore-noticed and required to be kept in mind while dealing with the issue of sentencing coupled with claim of an accused to seek probation, the mitigating circumstances that exist in the present case are noticed as under:-

- (i) The convict /petitioners were young people in their late 20s and early 30s.
- (ii) FIR in question was registered in the year 2014 and petitioners have already faced the agony of protracted criminal trial and consequential proceedings for a period of 8 years.
- (iii) The incident in question seemingly has taken place without premeditation.
- (iv) The petitioners are not previous convicts.
- (v) There is also no material to substantiate that the petitioners have indulged in any other criminal act after the incident in question. The custody certificate does not reflect involvement of the petitioners in any other case.
- (vi) The possibility of the petitioners' genuine reformatory tendencies and having adopted a consistent approach to respect the laws is apparent and evident.
- (vii) The gravity of the offence does not reflect criminal antecedent or criminal bent of mind.

(viii) The consequences of the injury do not have a cascading effect on the living standards of the victim or to cause a recurring impact of the offence.

(ix) The petitioners have already undergone an actual custody of 7 months and 16 days out of a total awarded sentence of one year. The fine imposed by the Court upon the petitioners already the stands deposited.

(x) Custody certificate shows that the petitioners have not committed any Prison offence and have also not violated any indulgence of Parole concession extended to them.

11. Taking into account the aforesaid aspect and with the aid of the precedents as well as the judgment of the Hon'ble Supreme Court in the matter of **Prem Chand Vs State of Himachal Pradesh**, passed in Criminal Appeal No.1920 of 2017 decided on 13.11.2017, and after noticing that the trial Court has not given any valid reasons to consider the mitigating and aggravating circumstances before declining the prayer of the petitioners for grant of probation. I deem it appropriate to consider the prayer of the petitioners for grant of Probation.

12. Considering the facts as noticed above and also that the maximum sentence awarded by the Court below is only for a period of 01 year, I am of the view that the present case is a proper case where the interest of justice would be well settled in case the benefit under the provisions of the Probation of Offenders Act is extended to the petitioners. As such, while maintaining the conviction of the petitioners under Sections 323, 325, 341 IPC read with Section 34 of the IPC the order of sentence passed by the Judicial Magistrate First Class, Faridabad and as upheld by the Additional Sessions Judge, Faridabad is hereby set aside and the petitioner is ordered to be released on probation for a period of 01 year on his furnishing personal bonds for a sum of Rs.1 lakh with one surety of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad within a

period of two weeks from receipt of certified copy of this order and submit a

compliance report to this Court.

13. During the period of probation the petitioner shall maintain peace and good behaviour. The conviction shall not be treated as a disqualification attached to conviction as per section 12 of the Probation of Offender Act, 1958.

14. The petitioners are also ordered to pay a sum of Rs.5,000/- each to the complainant/victim. The same shall be duly deposited with the Court of Illaqa Magistrate/Chief Judicial Magistrate, Faridabad for disbursement to the victim. However, if the victim or his heirs are not traceable, the amount may be deposited by the Illaqa Magistrate/Chief Judicial Magistrate, Faridabad with the District Legal Services Authority, Faridabad.

The instant revision petition is partly allowed in terms as above.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**14/03/ 2022**

*S.Sharma(syr)*

|                                  |   |               |
|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |