

2023:PHHC:039801

CRR-847-2022 (O & M)

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(244) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-847-2022 (O&M)
Date of Decision: 14.03.2023

Barfo Devi

... Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Kumar Aneja, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J.

The brief facts of the case are that three persons namely, Satnaryan-respondent No.2, Sunita-respondent No.3 and Rinku-respondent No.4 were acquitted in FIR No.60 dated 11.04.2014 under Section 323/324/34 IPC registered at Police Station Israna, Panipat vide judgment dated 05.08.2017 passed by the Judicial Magistrate Ist Class, Panipat.

2. However, in appeal preferred by the petitioner-complainant, the accused persons-respondents No.2 to 4 were held guilty for having committed the offence punishable under Sections 323 and 324 read with Section 34 IPC vide judgment of conviction and order of sentence dated 22.03.2021 and 24.03.2021 respectively, passed by the Additional Sessions Judge, Panipat. The accused-respondents No.2 to 4, however, were granted the benefit of probation on their furnishing probation bonds in the sum of Rs.20,000/- with one surety each in the like amount, without supervision, for a period of one year with an undertaking to keep peace and good behaviour. They were

further directed to pay a compensation to the tune of Rs.5000/- each to the complainant, which was paid by them. This amount was directed to be deposited under the relevant head of the Govt. Treasury and the same was to be disbursed to the complainant-injured on moving an application by her in that regard.

3. Against the aforementioned judgments, the complainant-Barfo Devi preferred this revision petition challenging the granting of probation to respondent Nos.2 to 4 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

4. The learned counsel for the petitioner submits that since the offence had been established, undue sympathy should not be shown to the convicted accused.

5. The learned counsel for the State has supported the case of the petitioner contending that the sentence of respondent Nos.2 to 4 be enhanced from grant of probation to the awarding of sentence of imprisonment.

6. I have heard the learned counsel for the parties.

7. This Court in **Rajinder Singh Versus State of Haryana & others passed in CRM-M-249-2013 dated 27.08.2018**, held as under:-

“The judgment of the learned Additional Sessions Judge, Kaithal is dated 27.10.2012, thus, respondent No.2 and 3 have already undergone sentence of probation imposed upon them and, therefore, no reason arises for me to go into the legality or propriety of the impugned judgment.

The present petition stands disposed of as having been rendered infructuous.”

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8. In the present case, the judgment of conviction and order of sentence passed by the learned Additional Sessions Judge, Panipat is dated 22.03.2021 and 24.03.2021 respectively, and therefore, the respondent Nos.2 to 4 have already undergone the sentence of probation imposed upon them. Therefore, there is no requirement for this Court to go into the legality or propriety of the impugned judgment.

9. In view of the above, the present petition is disposed of as having been rendered infructuous.

(JASJIT SINGH BEDI)
JUDGE

March 14, 2023
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No