

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

235

CRR-137-2017

Date of decision: 17.01.2023

Rani

.....Petitioner

Versus

Hari Chand and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.K. Chauhan, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the modification of the judgment of conviction dated 11.02.2014 and order of sentence dated 12.02.2014 passed by learned JMIC, Panipat vide which the respondents were convicted under Section 323 of the IPC and were sentenced to undergo imprisonment of one year. The petitioner is also impugning the judgment passed by the learned Additional Sessions Judge, Panipat dated 20.09.2016 vide which though the conviction of the respondents were maintained under Section 325 of the IPC, however, they were ordered to be released on probation and asked to pay a sum of Rs.10,000/- as fine.

Learned counsel appearing for the petitioner submits that the impugned judgment suffers from material illegality inasmuch as the Lower Appellate Court though rightly held that the respondents had committed an offence under Section 325 of the IPC, however, while granting the concession of probation to the respondent, the Court failed to consider that the petitioner had not only been assaulted by the respondents with deadly weapons but even her modesty had been

outraged by them.

I have heard learned counsel and perused the relevant material on record.

A perusal of the order passed by the Lower Appellate Court reveals that the concession of probation has been extended to the respondents on sound judicial principles keeping in mind the nature of injuries sustained by the petitioner. The Court below after noticing that the respondents had no criminal antecedents and had been suffering the agony of protracted trial since the year 2007 rightly found the case of the respondents fit for releasing them on probation. Still further, admittedly there is no material on record to show that the respondents after the institution of the complaint in question had been involved in any other criminal case.

As a sequel to the above, this Court does not find any illegality or perversity in the impugned orders so as to warrant the interference of this Court.

Dismissed.

17.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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