

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-2396-2018

Date of Decision:-09.03.2023

Ramesh.

.....Petitioner.

Versus

Satbir & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Navneet Singh, Advocate for
Mr. Ram Darshan Yadav, Advocate for the Petitioner.

None for the respondent nos.1 to 3.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The brief facts of the case are that 02 persons namely, respondent no.1-Satbir and respondent No.2-Surender were convicted in FIR No.38 dated 15.04.2014 and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Satbir	323 r/w	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.1,000/- and in default of the payment of fine, to undergo imprisonment for simple imprisonment for one month.
	34 IPC	
	325 r/w	To undergo rigorous imprisonment for 02 months and to pay fine of Rs.4,000/- and in default of the payment of fine, to undergo simple imprisonment for three months.
	34 IPC	
Surender	323 r/w	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.1,000/- and in default of the payment of fine, to undergo imprisonment for simple imprisonment for one month.
	/34 IPC	
	325 r/w	To undergo rigorous imprisonment for 02 months and to pay fine of Rs.4,000/- and in default of the payment of fine, to undergo simple imprisonment for three months.
	34 IPC	

However, respondent no.3 herein i.e. Charat Singh was given the benefit of doubt and was acquitted.

2. In two appeals i.e. one filed by the aforementioned two convicts, namely Satbir Singh and Surender and the other by the complainant Ramesh against the acquittal of accused Charat Singh, vide judgment dated 25.05.2018 the Sessions Judge, Rewari upheld the conviction of Satbir and Surender but set aside the acquittal of Charat Singh and convicted him as well. However all the 03 convicts were ordered to be released on probation for a period of two years on furnishing requisite bonds in the sum of Rs.50,000/- with one surety each in the like amount each with an undertaking to maintain peace and good behaviour for a period of two years and to receive sentence as and when called upon during the said period of two years in case they violated any of the conditions of probation. They were also directed to deposit a sum of Rs.15,000/- each before the Trial Court as compensation to be paid to the victim-Ramesh.

3. Against the aforementioned judgments, the complainant-Ramesh preferred this revision petition challenging the granting of probation to respondent Nos.1 to 3 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

4. The learned counsel for the petitioner submits that the private respondents had caused simple as well as grievous injuries to the complainant resulting into a fracture and the petitioner/complainant not only had to suffer physical pain but had to spend a huge amount on his treatment. Therefore, the respondent/accused did not deserve any leniency on account of the merciless beatings given by them.

5. The learned counsel for the State has supported the case of the petitioner contending that the sentence of respondent Nos.1 to 3 be enhanced from the grant of probation to the awarding of sentence of imprisonment.

6. None has put in appearance on behalf of the respondent nos.1 to 3 to oppose the submissions made by the petitioner.

7. I have heard the learned counsel for the parties at length.

8. 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.”

9. In the present case, the judgment of the learned Sessions Judge, Rewari is dated 25.05.2018 and therefore, the respondent Nos.1 to 3 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.

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

(JASJIT SINGH BEDI)
JUDGE

March 09, 2023
Vinay

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