

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

SR. No.220

CRR-2413-2022 (O&M)
Date of decision:01.09.2023

Sunita

...Petitioner

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Manu Sachdeva, Advocate for
Mr.Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S. SHEKHAWAT, J.

1. The present revision petition has been filed against the impugned judgment dated 05.08.2022 passed by the Court of Additional Sessions Judge, Bhiwani, whereby respondents No. 2 to 4 were ordered to be released on probation for a period of 2 years, for commission of the offences punishable under Sections 323/341/34 IPC subject to their furnishing requisite probation bonds in a sum of Rs.1,00,000/- with one surety in the like amount.

2. Learned counsel for the petitioner submits that one FIR No.300 dated 13.05.2015 under Sections 323/341/506/34 IPC was ordered to be registered at Police Station, Sadar Bhiwani against respondents No. 2 to 4.

Vide judgment of conviction dated 21.05.2019 passed by the Judicial Magistrate 1st Class, Bhiwani, respondents No. 2 to 4 were ordered to be convicted for the commission of the offences punishable under Sections 323/341/34 IPC and were sentenced to undergo SI for a period of 6 months and to pay a fine of Rs.1,000/-each under Section 323/34 IPC and for the offence punishable under Section 341/34 IPC, to undergo SI for a period of 1 month and to pay a fine of Rs. 500/- each vide order of sentence dated 22.05.2019. Both the sentences were ordered to run concurrently. Feeling aggrieved against the above-said judgment of conviction and order of sentence, respondents No. 2 to 4 preferred an appeal before the Sessions Judge, Bhiwani and vide judgment dated 05.08.2022, the appellate court released respondents No. 2 to 4 on probation for a period of 2 years.

3. Learned counsel further contends that the appellate court did not appreciate the evidence led by the petitioner/complainant. In fact, serious injuries were caused to the injured and the private respondents were wrongly released on probation. Even the amount of compensation of Rs.30,000/- was on the lesser side. The prosecution had examined PW-1 Dr. Sheetal Verma, who had examined Sunita, injured, on 13.05.2015 and in the MLR, three injuries were found on her person. Consequently, respondents No. 2 to 4 did not deserve any leniency, at the time of awarding of sentence to all of them.

4. I have heard learned counsel for the parties and perused the case file.

5. While ordering the release of respondents No. 2 to 4 on probation, the appellate court has recorded detailed and valid reasons. In fact, the appellate court rightly held that the case pertains to the year 2015

and no other case had been reported against respondents No. 2 to 4/convicts. They had already faced the agony of trial/appeal for the last 8 years and all the private respondents were poor and rustic villagers. Consequently, taking a lenient view, the quantum of sentence was ordered to be modified and respondents No.2 to 4 were ordered to be released on probation. Apart from that, the appellate court had rightly awarded a sum of Rs.30,000/- to the injured and this Court is of the considered view that the injured has been adequately compensated by the appellate court.

6. In view of the above discussion and keeping in view the facts and circumstances of the present case, this Court is of the considered opinion that there is no illegality or perversity in the impugned judgment passed by the lower appellate court and thus, the present revision petition stands dismissed being devoid of any merits. Pending application, if any, shall also stand disposed of accordingly.

(N.S. SHEKHAWAT)
JUDGE

01.09.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO