

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

CRR-298-2019 (O&M)
Decided on : 30.01.2023

Kuldeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. N.L.Sammi, Advocate with
 Mr. Hitesh Kumar Sammi, Advocate
 for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The instant revision petition has been filed by the son of the complainant under Section 482 r/w Section 256 Cr.PC for permission to file revision petition on behalf of the complainant since he has died.

Challenge in the petition is to judgment dated 05.06.2018 passed by Sessions Judge, Rupnagar vide which respondent No.2-accused had been released on probation for good conduct for a period of six months.

Learned counsel for the petitioner has vehemently argued that learned Lower Appellate Court had fallen into error by ordering release of respondent No.2 on probation, by ignoring that there were serious allegations levelled against him of furnishing a false affidavit qua his age, number of sons and area of landed property, as a result of which, he had been fraudulently drawing pension from the Punjab Government since September, 2007. Learned counsel submits that the order of respondent No.2 being released on probation be set aside and he be sentenced to the

maximum as provided for under Section 199/200 IPC.

Mr. Sanish Girdhar, AAG, Punjab, who is present in Court, has at the outset, submitted that the petitioner has no locus to file the instant petition as the complaint was made by Dalbir Singh, who had since expired.

Heard learned counsel for the parties and perused the impugned judgment passed by the Court below.

The petitioner has failed to satisfy this Court qua his locus to challenge the impugned order passed by the Lower Appellate Court, admittedly, when he is not even the complainant in the FIR in question.

Further, this Court does not find any error in the impugned judgment vide which conviction of the accused was maintained and he was released on probation. Admittedly, the amount of pension, which respondent No.2 had fraudulently got sanctioned and received by furnishing wrong information stands deposited. Moreover, respondent No.2 is a first time offender and has been facing a protracted trial ever since the year 2011. As conceded by the State counsel, the accused has been leading a peaceful life and is not involved in any other criminal case much less of a similar nature.

As a sequel to the above, this Court is not inclined to invoke its revisional jurisdiction and set aside the impugned judgment.

Accordingly, the present petition stands dismissed.

30.01.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No